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## House of Representatives

### ENERGY POLICY ACT OF 2003—

(Continued)

□ 1630

Mr. DOYLE. Mr. Chairman, 39,700 of these people are directly employed by the industry.

Mr. Chairman, this is a bad amendment. Let us defeat it.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of this amendment. The National Academy of Sciences identified 13 readily-available technologies, each one of which would improve fuel economy from .5 percent to 12 percent. Three major automakers, GM, Ford and Toyota, have already announced plans to introduce vehicles that would get 35 to 40 miles per gallon within the next 2 years.

New technologies can improve fuel economy without reducing weight and size. It is irresponsible to pass a national energy policy that does not reduce the use of gasoline because 70 percent of the oil we use is to power our cars.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications and the Internet.

Mr. UPTON. Mr. Chairman, I rise in opposition to this amendment. The answer to better fuel mileage is probably in a different fueled vehicle. It is called hydrogen fuel cell vehicles.

This morning I met GM officials who gave me their new brochures on these cars that they are going to be manufacturing. They have spent hundreds of millions of dollars to develop and finance the new hydrogen fuel cell vehicle.

Now, what this amendment would do you cannot create with just magic. You cannot say just "Poof, here it is. There you go." It would be nice to have a vehicle that delivered 40 or 50 miles per gallon. But to do that would take all of the engineering gusto away from developing what I think is the real answer, hydrogen fuel cell vehicles. It would take hundreds of millions of dollars out of that engineering cycle today and invest it into something else.

This is the answer. Let science prevail. Let science and the experts decide that this is the vehicle. Let them develop these types of vehicles, knowing that we are there, that we are going to have these cars in the showroom before too long. Let us not get off that track. Let us defeat this amendment. Let the research and development continue so that all of us will be able to drive one of these vehicles in the near future.

The CHAIRMAN pro tempore (Mr. BONILLA). The Committee will rise informally.

The SPEAKER pro tempore (Mr. BASS) assumed the chair.

### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1584. An act to implement effective measures to stop trade in conflict diamonds, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

### ENERGY POLICY ACT OF 2003

The Committee resumed its sitting.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, two facts are on a collision course:

Fact one, the concentrations of carbon dioxide, a pollutant that causes global warming, is skyrocketing and will continue to do so as this graph indicates.

Fact two, to date, the U.S. Congress apparently believes that since the mid-1980s American technological genius has disappeared by its willful failure to use our smarts and our can-do efforts to improve fuel-technology efficiency. If we had simply continued on the path of improving the efficiency of our vehicles from the mid-1980s until now, we would have eliminated our need for 70 percent of the imported oil from the Mideast.

How can the U.S. Congress be so pessimistic to think that the people that gave us Microsoft, that gave us biotechnology, cannot improve the efficiency of our vehicles?

John Kennedy said we could go to the Moon in 10 years. We ought to be able to improve our fuel efficiency in the 10 months in this session.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I thank the ranking member of our committee for yielding me time.

Mr. Chairman, we come from a big State that wants big trucks and big cars, and my concern about the Markey amendment, not that we would not like to have more fuel efficiency, but it actually treats our trucks even harsher than what the National Academy of Sciences says is reasonable. That is why I think we need to have more study on it. Let us make sure we have a plan that works, not only for some parts of our country, but the whole country.

The Markey amendment will restrict consumer choice, particularly for folks where I come from, who like to drive

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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trucks. But I do think we need to get better gas mileage; and hearing from some of the speakers in our committee, we are going to get better gas mileage, without the onerous provisions of the Markey amendment.

Again, this is much worse than what we considered in the last Congress, and that is why I think it should be voted down tonight.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Chairman, in my Michigan district, the best workers in the world make the best autos in the world; but if this amendment passes, my district's economic vitality will become ancient history. By arbitrarily altering market forces in an already struggling economic sector, a new hike in CAFE standards will endanger the already far-too-tenuous jobs of our autoworkers, manufacturers, parts suppliers, and car dealers, and the livelihood of all our citizens.

During these difficult economic times, when both parties are striving to help American workers and their families, we must not subordinate science to speculation and in the process subject our auto industry, America's economic engine, to governmentally mandated extinction.

For the sake of American workers and their families, we must defeat this amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished gentleman for his leadership on this issue of many, many years.

I have some prepared remarks, but since I do not have that much time, I am going to summarize. The people that are tuned in to this, that are listening to C-SPAN today, we have on the floor a national energy policy. What some of us are trying to do is to put the legislative vehicle into drive, to go forward into the future, instead of insisting on keeping the vehicle in reverse. What is at stake are fuel-efficiency standards for how much gasoline we use in this country.

If in fact we want to become less dependent on foreign oil, clean up our air, embrace the technologies that are already there on the shelf, then this amendment would absolutely slide through the House.

But regardless of who is here in a handful of years, this policy, I predict, will become the policy of our land, because America is always about the future and the best ideas, and not the past.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, last week, the National Highway Traffic Safety Administration announced the largest fuel

economy increase for light trucks in over 20 years. After studying the cost, safety, technological features, the effect on American jobs and other factors, the experts concluded that this increase represents the maximum feasibility level that manufacturers could possibly meet today.

Light trucks meet the demands of millions and millions of American families, small business, farmers, ranchers, and outdoor enthusiasts. In fact, last year, more consumers in Louisiana purchased light trucks than passenger cars; and this is true in more than 36 States in our Union.

The Boehlert-Markey amendment would force manufacturers to either stop making these vehicles or radically change them, including the safety features, on a product that millions of Americans want today.

I support the ongoing efforts to develop fuel-saving technology, but let us let consumer demand drive that market, and not unscientific Federal mandates.

I urge Members to vote "no" on the Markey-Boehlert amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from the great pickup truck State of Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I thank the gentleman for recognizing that not all of America is alike, like the proponents of this amendment think.

Listen to me very carefully. My district represents the distance of Washington, D.C. to Chicago. Nobody represents more people in this Congress than I do, 904,000 people, after reapportionment.

But we do not have subsidized mass transit like you do in Massachusetts. Oh, we have mass transit; that is two herd dogs in our truck instead of one. No, we do not have mass transit. What we have is a lot of people out on a lot of miles of highway, unsafe miles.

I think of all the things we have to do in a State like Montana, travel 10 miles just to get to our post office, travel 20 miles maybe to get to school or to buy groceries, sometimes drive 100 miles to get to a hospital.

No, this is a one-size-fits-all solution that I came to Washington, D.C. to fight. It is time that we look beyond the Potomac, that the sun does not rise and set just on this river out here. There is an expanse of America. We cannot have one-size-fits-all.

I went out and tried to buy a truck the other day, and they are getting so light that I cannot put feed in the back because they could not assure me that the frame would not bend; 2,000 pounds of feed, and I cannot get it in the back of my pickup because they are making them so light to try to meet the CAFE standards.

Vote against this amendment.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, the auto industry has claimed that if CAFE

standards are raised, they might have to stop making SUVs, yet their actions directly contradict these words.

As the gentleman from New York (Mr. BOEHLERT) indicated, recently, Ford, Toyota and GM all announced plans to introduce SUVs that travel over 35 miles per gallon over the next couple of years. Toyota has demonstrated with the Prius, which I drive, that hybrid technology works and consumers love it. Auto companies are showing that they have the technology to improve fuel economy without sacrificing safety.

I urge my colleagues to support the Boehlert-Markey amendment to improve fuel economy.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS), a distinguished member of the Committee on Energy and Commerce.

Mr. BASS. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I rise in opposition to the pending amendment, and I do so for three reasons.

First of all, the National Highway Traffic Safety Administration has promulgated reasonable standards which will take effect in 2005 to increase the efficiency of SUVs and light trucks.

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Secondly, this is no time, with a fragile economy, to be slapping an unreasonable Federal mandate on manufacturing. Manufacturing has been on the decline in this country now since the mid-1980s, and I think it is totally inappropriate to do that.

Thirdly, I hear from the proponents of this amendment that there are 13 or 12 readily available technologies that can be implemented without any difficulty or additional cost. My answer to that is, they will do it anyway. I have never heard of anybody promoting the sale of a vehicle because it consumes more energy. The fact is that the automobile companies want to make vehicles as efficient as they can possibly be, and they will do so and they will adopt these new efficiencies and they will do so under the rules that will be promulgated by the National Highway Traffic Safety Administration.

So I think what is going on now is reasonable, and I urge opposition of the pending amendment.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. BOEHLERT), the coauthor of the amendment with me.

Mr. BOEHLERT. Mr. Chairman, the opponents of this amendment are making up the arguments as they go along: Anything goes, no matter how outrageous or how wrong.

Safety. There is no compromise on safety necessary. That is not my opinion, that is the opinion of the National Academy of Science. We will not make cars lighter, we will make them smarter.

No job losses. That is as phony as a \$3 bill. Americans are not going to stop

buying cars, they are just going to buy cars that are more fuel efficient, and the consumer wins. That is common sense.

Twenty-five years ago the CAFE opponents said, if we have CAFE standards, all America will be driving compacts or subcompacts. Ten years later, that is absolutely ludicrous. There are more SUVs on the road than ever before.

We have 15 minutes to debate the most important safety-promoting amendment for the bill. This is not a debate, it is a sound bite.

Support BOEHLERT-MARKEY.

Mr. TAUZIN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. BONILLA). The gentleman from Louisiana does have the right to close.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. At this point, the gentleman from Massachusetts is reserving and has the right to close, and the gentleman from Michigan (Mr. DINGELL) has the right to precede him and is reserving the balance of his time.

Mr. MARKEY. So the two opponents of the amendment are each able to speak before the proponent of the amendment at the conclusion of debate?

The CHAIRMAN. The final order of speakers will be, and I correct myself here, the gentleman from Michigan (Mr. DINGELL), the gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Louisiana (Mr. TAUZIN).

Mr. DINGELL. Mr. Chairman, in order that I can give my full and undivided attention to the gentleman from Massachusetts (Mr. MARKEY), for whom I have immense respect even though he is dead wrong on this one, I yield myself 2 minutes to close.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, this wonderful amendment, it just does not work. Although I love my good friends, the authors of it, they are dead wrong. It is going to cost jobs. The UAW says so. It is going to hurt the auto industry. The auto industry says so. It is going to force every American to ride around in a mini-car. It is going to fix it so that SUVs and decent-sized pickup trucks are not going to be available to people. It is going to mean that the auto industry is going to have to produce larger vehicles, such as larger than light-duty trucks, for purposes that ranchers and farmers and businessmen will have need of. And it is going to require unsafe vehicles, or at least less safe vehicles to be available to the American motoring public.

The simple answer is, it is going to require almost exclusively the production of mini-cars. The result is going to be a significant loss of safety.

The thing that we must understand about this is that the law on CAFE is

now working. Automobiles and light pickup trucks and so forth are about twice as efficient as they were before we passed it. That has been an enormous advance of great benefit to the American people, and it has been something which has been of great help and done at great cost to the auto industry.

Something else that needs to be known: These cars are not manufactured on the basis of arithmetic averages. They are produced to meet CAFE standards on the basis of geometric or harmonic averages, which means that to produce one decent-sized car in which an individual or a company or a family may successfully and safely drive, the companies must produce many smaller cars.

So what are we looking at? We are looking at something which is going to adversely impact the American consumer with this amendment and also something which is going to adversely impact the auto industry.

Let me remind my colleagues that one job in seven in this country is an auto job, a supplier or a manufacturer. Look here, see where our people work and what this is going to do. There is no one in this country who is not dependent upon the automobile industry for a livelihood.

Mr. Chairman, let us have a responsible, sensible package of automobile fuel efficiency legislation. Let us not grasp at straws, and let us not push forward with legislation which, very frankly, although it sounds good, is wondrously mischievous and is going to not only hurt the country, the consumer, but also the auto industry and the auto workers.

Mr. MARKEY. Mr. Chairman, I yield myself the remaining time.

In 1987, the fuel economy standard for the United States reached 27 miles per gallon. It had increased to that amount over a 10-year period because of an act of Congress. That act of Congress changed our relationship with imported oil so that it reduced dramatically our dependence upon imported oil.

Since that time, we have sequenced the human genome in medicine, revolutionizing that industry. We have deployed the Internet around the world, revolutionizing communications. We have changed our defense technology such that we could bring a country like Iraq to its knees within 3 weeks. But in fuel economy standards, we have gone backwards, back to 24 miles per gallon, increasing to 65 percent our dependence upon imported oil.

If we do not pass this amendment, we will have 70 and 75 and 80 percent dependence upon imported oil over the next generation.

This is the most important amendment we are going to consider today. I ask for an "aye" vote on the Boehlert-Markey amendment.

Mr. TAUZIN. Mr. Chairman, I yield myself the balance of the time.

It has been argued that the bill is silent on CAFE. Not so. The bill calls for

a study to actually replace CAFE, just as NHTSA is recommending that we study CAFE from top to bottom. Do we know why? Because it has awful, perverse effects.

One time GM came up with a new SUV that was much more fuel efficient than its old model, and it suffered, it got penalized under CAFE. Why? Because more Americans wanted that vehicle, and it upset their average. That is how perverse the system sometimes works. We call for revamping that system.

Secondly, last year we improved the CAFE standards for SUVs, an amendment that the gentleman from Michigan (Mr. DINGELL) and I took through the conference committee and has now been implemented into law. I think because it has been implemented, I am having a harder time getting the gentleman from Michigan (Mr. DINGELL) to support the rest of this bill, but it is well on its way to saving fuel for the American economy.

But the bill goes further. It provides \$1.7 billion for the hydrogen fuel car, for the FreedomCar initiative, for new hybrids and alternative fuels, and it provides for the implementation of the President's hydrogen car infrastructure, a dramatic improvement in fuel efficiency when the hydrogen fuel car hits the market.

The amendment gives us lighter cars and smaller cars and more traffic deaths. The bill takes us on the path to new fuels, new efficiencies, new technologies. Stick with the bill. Let us defeat this amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Boehlert-Markey amendment.

If the U.S. auto industry believes it would suffer under increased fuel economy standards, what will be the effect on the U.S. auto industry when Americans import fuel efficient autos from foreign companies?

Because—with the rising cost of gas, the detrimental effect on our environment, and the strong desire of American consumers to be independent of foreign oil—we will be purchasing fuel efficient autos.

Mr. Chairman, we shouldn't fool ourselves. Americans will purchase fuel efficient cars . . . and we should set policy today so those cars will be American-made.

Mr. SHAYS. Mr. Chairman, I rise in strong support of the Boehlert-Markey Amendment to reduce our consumption of oil by increasing fuel economy standards for passenger cars and light trucks.

The United States cannot continue on a course of increased oil consumption with little to no regard for the implications it has on our environment, economy and national security.

There is no better time to focus on reducing our reliance on foreign oil than right now.

Increased fuel efficiency standards and tax incentives for conservation and renewable energy sources should be at the heart of our national energy policy in a post-September 11 world.

This amendment requires the Department of Transportation to issue rules to ensure the total amount of oil that cars and SUVs consume in 2010 will be 5 percent less than the

total amount they would otherwise consume if the average fuel economy standards were to remain at 2004 levels.

These savings could be achieved by increasing fuel economy standards to 30 miles per gallon.

Under this amendment, the Administrator of the National Highway Transportation Safety Administration will have maximum flexibility in how the standards are set.

The standard could be increased for cars or SUVs or only the heaviest trucks.

This is a common sense amendment which represents a modest step forward in our nation's efforts to become more energy efficient.

The Boehlert/Markey Amendment will help protect the environment, reduce our dependence on foreign oil and save drivers money at the pump.

Mr. Chairman, I agree with those who say "we cannot conserve our way out of this energy problem."

However, until we raise CAFE standards, we cannot honestly tell the American people this is a balanced energy plan.

It is absolutely imperative we are more efficient and make better use of God's precious resources.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this very sensible amendment and I commend my colleagues Mr. BOEHLERT and Mr. MARKEY for their persistence in pushing this issue forward year after year.

It shouldn't have to take years for Congress to act on improving fuel economy. With the average fuel economy of all new passenger vehicles at its lowest point since 1980 and with fuel consumption at its highest, there shouldn't be disagreement about the wisdom of improving CAFE standards.

Yet there is disagreement, and clearly we can't count on the Administration to make the right choice. The President's recent CAFE proposal for light trucks is actually less ambitious than voluntary measures announced earlier by General Motors and Ford.

And as much as I believe in the Administration's vision of a hydrogen future, I don't believe we should forgo making smart short-term choices. A recent study tells us that significantly increasing fuel economy standards now could save 25 times more oil than would be saved by waiting for fuel cell vehicles to become commercially available.

So Mr. Chairman, I believe we must abandon energy inefficiency and instead work to reduce U.S. dependence on foreign oil, cut back on air and carbon dioxide pollution, and save consumers money at the gas pump. The American people can benefit from improved CAFE standards.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Boehlert-Markey amendment.

I strongly believe that we need to increase CAFE standards and that our country needs to be heading towards more fuel efficient vehicles. I will support this amendment and I urge all members to support it as well.

However, since it is clear that this amendment lacks the votes in the House to pass, I am particularly disappointed that the Republican leadership did not permit me to offer an amendment I had offered at Subcommittee and Committee that would address our oil dependence in another way.

My amendment would have allowed us to keep faith with our American troops by begin-

ning to address our nation's dependence on foreign oil.

My amendment would have directed the President to implement a plan to reduce U.S. demand for oil by 600,000 barrels per day. This is the average amount of oil we have imported every day from Iraq over the past five years. The President can rely on voluntary measures, regulations, or other means. The amendment does not provide any new authority for funding, but the President can come back to Congress to request that if he needs it. And the President need not meet the full target if he finds and certifies that there are no practical opportunities to further reduce the waste of oil.

In no way would my amendment have undone or precluded the many measures in this bill designed to boost domestic oil production. These measures include two separate federal grant programs for onshore and offshore production, as well as exemptions for oil and gas activities from the Safe Drinking Water Act and the Clean Water Act. And although I oppose it, the bill includes oil drilling in the Arctic National Wildlife Refuge, as well as numerous other provisions to encourage production on public lands.

Also, nothing in my amendment would have mandated or provided new authority for any increase in vehicle fuel economy standards.

Instead, my amendment would have attempted to eliminate the waste of oil in this country.

I'm not going to belabor statistics today. But there are three points I want to mention.

First, the United States holds 3 percent of the world's oil reserves, but we consume 25 percent of annual worldwide oil production.

Second, over the past five years, we have imported on average 600,000 barrels of oil per day from Saddam Hussein and Iraq.

This means that third, we have sent over \$5 billion per year to Saddam Hussein and Iraq. At least part of this money was used to purchase the weapons that are now firing at our troops.

I sought to offer my amendment because this legislative exercise is almost surreal. We are at war with Iraq, and millions of Americans believe that this war is about oil. We have a bill before us that reinforces this belief. In almost 400 pages, there is nothing that focuses on the easiest and most common-sense step we can take—eliminating the waste of oil in this country.

Now, let me be clear about what I would call for. By eliminating the waste of 600,000 barrels of oil per day, we're talking about a 2.5 percent reduction from projected demand. Let's think about how easy that would be to achieve.

For one thing, we could keep the tires on our vehicles properly inflated. This could save up to 200,000 barrels per day—one-third of the target. Upgrading air traffic management systems could save another 50,000 barrels a day, while reducing flight delays. Weatherizing homes heated with oil could save over 80,000 barrels/day. And perhaps each one of us could think about whether we really need to make that extra trip to the store. These are just a few of the many, many things we could do to reduce waste.

When Californians faced the energy crisis, the Governor called on them to reduce demand for electricity by 10 percent. They did it and averted further blackouts. I believe that if

the President called on Americans to support our troops by using oil wisely, Americans would respond enthusiastically.

So I want to ask my colleagues, is this modest savings really beyond our ability to achieve? Are we really so beholden to the oil industry that we are actually in favor of wasting oil?

My amendment would have asked us to make the smallest of sacrifices. And this is at a time when we are asking 250,000 of our servicemen and women to give, potentially, the very greatest sacrifice of all. When I offered this amendment at subcommittee markup, no Americans had died in Iraq. Now, sadly, over 100 Americans have sacrificed their lives in this war.

I know that every person in this room wants to do his or her part to keep faith with our brave troops. Our part, and our obligation, is to make sure that no American has to risk his or her life fighting needlessly for foreign oil.

Unfortunately, we will not even have the opportunity to debate and vote on my amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in support of the Markey-Boehlert amendment, which saves oil by increasing fuel economy standards for autos and light trucks. This amendment requires the Department of Transportation to promulgate rules to ensure that the total amount of oil cars and light trucks will consume in the year 2010 will be 5 percent less than the total amount they would otherwise consume if the average fuel economy standards were to remain at 2004 levels. Raising the standard will ensure that such technology will lead to an improvement in the overall fleet rather than simply offsetting other less fuel efficient vehicles. Increasing the standard will reduce the amount of oil the nation must now import.

According to the National Resources Defense Council (NRDC), by simply increasing average fuel efficiency on cars, SUVs, and light trucks from 24 to 39 miles per gallon over the next decade, we would save 51 billion barrels of oil—more than 15 times the likely yield from the Arctic. Plus you get oil savings as you ramp up to the full 40 mpg. Instead of investing in renewable energy sources and raising CAFE standards, the Bush Administration continues to increase our dependency on oil and ruin our environment. The environmental policies of the administration are detrimental to our environment, present and future, and they must be reversed.

The National Academy of Sciences said in its 2001 Effectiveness and Impact of Corporate Average Fuel Economy Standards report that "General economic conditions, and especially the globalization of the automobile industry, seem to have been far more important than fuel economy regulations in determining the profitability and employment shares of the domestic automakers and their competitors." They also stated that "it is technically feasible and potentially economical to improve fuel economy without reducing vehicle weight or size and, therefore, without significantly affecting the safety of motor vehicle travel."

The technology is there and it is about time we utilize it. Our children are looking to us to leave them with a safe and healthy environment and we need to start taking actions to meet this goal. I urge my colleagues to support the Markey-Boehlert amendment.

The CHAIRMAN pro tempore. All time for debate on the amendment offered by the gentleman from New York (Mr. BOEHLERT) has expired.

The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House report 108-69.

AMENDMENT NO. 2 OFFERED BY MR. DINGELL.

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DINGELL: Strike title VI of Division A and insert the following:

#### **TITLE VI—ELECTRIC ENERGY**

##### **SEC. 601. FRAUDULENT OR MANIPULATIVE PRACTICES.**

(a) UNLAWFUL ACTS.—It shall be unlawful for any entity, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails to use or employ, in the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, any fraudulent, manipulative, or deceptive device or contrivance in contravention of such rules and regulations as the Federal Energy Regulatory Commission may prescribe as necessary or appropriate in the public interest.

(b) APPLICATION OF FEDERAL POWER ACT TO THIS ACT.—The provisions of section 307 through 309 and 313 through 317 of the Federal Power Act shall apply to violations of section 101 of this Act in the same manner and to the same extent as such provisions apply to entities subject to Part II of the Federal Power Act.

##### **SEC. 602. RULEMAKING ON EXEMPTIONS, WAIVERS, ETC. UNDER FEDERAL POWER ACT.**

Part III of the Federal Power Act is amended by inserting the following new section after section 319 and by redesignating sections 320 and 321 as sections 321 and 322, respectively:

##### **"SEC. 320. CRITERIA FOR CERTAIN EXEMPTIONS, WAIVERS, ETC.**

"(a) RULE REQUIRED FOR CERTAIN WAIVERS, EXEMPTIONS, ETC.—Not later than 6 months after the enactment of this Act, the Commission shall promulgate a rule establishing specific criteria for providing an exemption, waiver, or other reduced or abbreviated form of compliance with the requirements of sections 204, 301, 304, and 305 (including any prospective blanket order). Such criteria shall be sufficient to insure that any such action taken by the Commission will be consistent with the purposes of such requirements and will otherwise protect the public interest.

"(b) MORATORIUM ON CERTAIN WAIVERS, EXEMPTIONS, ETC.—After the date of enactment

of this section, the Commission may not issue, adopt, order, approve, or promulgate any exemption, waiver, or other reduced or abbreviated form of compliance with the requirements of section 204, 301, 304, or 305 (including any prospective blanket order) until after the rule promulgated under subsection (a) has taken effect.

"(c) PREVIOUS FERC ACTION.—The Commission shall undertake a review, by rule or order, of each exemption, waiver, or other reduced or abbreviated form of compliance described in subsection (a) that was taken before the date of enactment of this section. No such action may continue in force and effect after the date 18 months after the date of enactment of this section unless the Commission finds that such action complies with the rule under subsection (a).

"(d) EXEMPTION UNDER 204(f) NOT APPLICABLE.—For purposes of this section, in applying section 204, the provisions of section 204(f) shall not apply."

##### **SEC. 603. REPORTING REQUIREMENTS IN ELECTRIC POWER SALES AND TRANSMISSION.**

(a) AUDIT TRAILS.—Section 304 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

"(c)(1) The Commission shall, by rule or order, require each person or other entity engaged in the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce, and each broker, dealer, and power marketer involved in any such transmission or sale, to maintain, and periodically submit to the Commission, such records, in electronic form, of each transaction relating to such transmission or sale as may be necessary to determine whether any person has employed any fraudulent, manipulative, or deceptive device or contrivance in contravention of rules promulgated by the Commission.

"(2) Section 201(f) shall not limit the application of this subsection."

(b) NATURAL GAS.—Section 8 of the Natural Gas Act is amended by adding the following new subsection at the end thereof:

"(d) The Commission shall, by rule or order, require each person or other entity engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and each broker, dealer, and power marketer involved in any such transportation or sale, to maintain, and periodically submit to the Commission, such records, in electronic form, of each transaction relating to such transmission or sale as may be necessary to determine whether any person has employed any fraudulent, manipulative, or deceptive device or contrivance in contravention of rules promulgated by the Commission."

##### **SEC. 604. TRANSPARENCY.**

(a) DEFINITION.—As used in this section the term "electric power or natural gas information processor" means any person engaged in the business of—

(1) collecting, processing, or preparing for distribution or publication, or assisting, participating in, or coordinating the distribution or publication of, information with respect to transactions in or quotations involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, or

(2) distributing or publishing (whether by means of a ticker tape, a communications network, a terminal display device, or otherwise) on a current and continuing basis, information with respect to such transactions or quotations.

The term does not include any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation, any self-regulatory organization, any bank, broker, dealer, building and loan, savings and loan, or homestead association, or cooperative bank, if such bank, broker, dealer, association, or cooperative bank would be deemed to be an electric power or natural gas information processor solely by reason of functions performed by such institutions as part of customary banking, brokerage, dealing, association, or cooperative bank activities, or any common carrier, as defined in section 3 of the Communications Act of 1934, subject to the jurisdiction of the Federal Communications Commission or a State commission, as defined in section 3 of that Act, unless the Commission determines that such carrier is engaged in the business of collecting, processing, or preparing for distribution or publication, information with respect to transactions in or quotations involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas.

(b) PROHIBITION.—No electric power or natural gas information processor may make use of the mails or any means or instrumentality of interstate commerce—

(1) to collect, process, distribute, publish, or prepare for distribution or publication any information with respect to quotations for, or transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, or

(2) to assist, participate in, or coordinate the distribution or publication of such information in contravention of such rules and regulations as the Federal Energy Regulatory Commission shall prescribe as necessary or appropriate in the public interest to

(A) prevent the use, distribution, or publication of fraudulent, deceptive, or manipulative information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas;

(B) assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, and the fairness and usefulness of the form and content of such information;

(C) assure that all such information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas as is collected, processed, or prepared for distribution or publication by any exclusive processor of such information acting in such capacity;

(D) assure that, subject to such limitations as the Commission, by rule, may impose as necessary or appropriate for the maintenance of fair and orderly markets, all persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas as is published or distributed by any electric power or natural gas information processor;

(E) assure that all electricity and natural gas electronic communication networks

transmit and direct orders for the purchase and sale of electricity or natural gas in a manner consistent with the establishment and operation of an efficient, fair, and orderly market system for electricity and natural gas; and

(F) assure equal regulation of all markets involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas and all persons effecting transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas.

(c) **RELATED COMMODITIES.**—For purposes of this section, the phrase “purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas” includes the purchase or sale of any commodity (as defined in the Commodities Exchange Act) relating to any such purchase or sale if such commodity is excluded from regulation under the Commodities Exchange Act pursuant to section 2 of that Act.

(d) **PROHIBITION.**—No person who owns, controls, or is under the control or ownership of a public utility, a natural gas company, or a public utility holding company may own, control, or operate any electronic computer network or other multilateral trading facility utilized to trade electricity or natural gas.

#### SEC. 605. PENALTIES.

(a) **CRIMINAL PENALTIES.**—Section 316 of the Federal Power Act (16 U.S.C. 825o(c)) is amended as follows:

(1) By striking “\$5,000” in subsection (a) and inserting “\$5,000,000 for an individual and \$25,000,000 for any other defendant”

(2) By striking “\$500” in subsection (b) and inserting “\$1,000,000”.

(b) By striking subsection (c).

(b) **CIVIL PENALTIES.**—Section 316A of the Federal Power Act (16 U.S.C. 825o-1) is amended as follows:

(1) By striking “section 211, 212, 213, or 214” each place it appears and inserting “Part II”.

(2) By striking “\$10,000 for each day that such violation continues” and inserting “the greater of \$1,000,000 or three times the profit made or gain or loss avoided by reason of such violation”.

(3) By adding the following at the end thereof:

“(c) **AUTHORITY OF A COURT TO PROHIBIT PERSONS FROM CERTAIN ACTIVITIES.**—In any proceeding under this section, the court may censure, place limitations on the activities, functions, or operations of, suspend or revoke the ability of any entity (without regard to section 201(f)) to participate in the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce if it finds that such censure, placing of limitations, suspension, or revocation is in the public interest and that one or more of the following applies to such entity:

“(1) Such entity has willfully made or caused to be made in any application or report required to be filed with the Commission or with any other appropriate regulatory agency, or in any proceeding before the Commission, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

“(2) Such entity has been convicted of any felony or misdemeanor or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds—

“(A) involves the purchase or sale of electricity, the taking of a false oath, the mak-

ing of a false report, bribery, perjury, burglary, any substantially equivalent activity however denominated by the laws of the relevant foreign government, or conspiracy to commit any such offense;

“(B) arises out of the conduct of the business of transmitting electric energy in interstate commerce or selling or purchasing electric energy at wholesale in interstate commerce;

“(C) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity however denominated by the laws of the relevant foreign government; or

“(D) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code, or a violation of a substantially equivalent foreign statute.

“(3) Such entity is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, foreign person performing a function substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or as an affiliated person or employee of any investment company, bank, insurance company, foreign entity substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

“(4) Such entity has willfully violated any provision of this Act.

“(5) Such entity has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of this Act, or has failed reasonably to supervise, with a view to preventing violations of the provisions of this Act, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this paragraph no person shall be deemed to have failed reasonably to supervise any other person, if—

“(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

“(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

“(6) Such entity has been found by a foreign financial or energy regulatory authority to have—

“(A) made or caused to be made in any application or report required to be filed with a foreign regulatory authority, or in any proceeding before a foreign financial or energy regulatory authority, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign regulatory authority any material fact that is required to be stated therein;

“(B) violated any foreign statute or regulation regarding the transmission or sale of electricity or natural gas;

“(C) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign regulatory authority regarding transactions in electricity or natural gas, or contracts of sale of electricity or natural gas, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

“(7) Such entity is subject to any final order of a State commission (or any agency or officer performing like functions), State authority that supervises or examines banks, savings associations, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), or the National Credit Union Administration, that—

“(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, savings association activities, or credit union activities; or

“(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.

(8) Such entity is subject to statutory disqualification within the meaning of section 3(a)(39) of the Securities Exchange Act of 1934.”

(c) **NATURAL GAS ACT PENALTIES.**—Section 21 of the Natural Gas Act is amended by adding the following new subsection at the end thereof:

“(c) **AUTHORITY OF A COURT TO PROHIBIT PERSONS FROM CERTAIN ACTIVITIES.**—In any proceeding under this section, the court may censure, place limitations on the activities, functions, or operations of, suspend or revoke the ability of any entity (without regard to section 201(f)) to participate in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use if it finds that such censure, placing of limitations, suspension, or revocation is in the public interest and that one or more of the following applies to such entity:

“(1) Such entity has willfully made or caused to be made in any application or report required to be filed with the Commission or with any other appropriate regulatory agency, or in any proceeding before the Commission, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

“(2) Such entity has been convicted of any felony or misdemeanor or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds—

“(A) involves the purchase or sale of natural gas, the taking of a false oath, the making of a false report, bribery, perjury, burglary, any substantially equivalent activity however denominated by the laws of the relevant foreign government, or conspiracy to commit any such offense;

“(B) arises out of the conduct of the business of transmitting natural gas in interstate commerce, or the selling in interstate

commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

“(C) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity however denominated by the laws of the relevant foreign government; or

“(D) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code, or a violation of a substantially equivalent foreign statute.

“(3) Such entity is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, foreign person performing a function substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or as an affiliated person or employee of any investment company, bank, insurance company, foreign entity substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

“(4) Such entity has willfully violated any provision of this Act.

“(5) Such entity has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of this Act, or has failed reasonably to supervise, with a view to preventing violations of the provisions of this Act, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this paragraph no person shall be deemed to have failed reasonably to supervise any other person, if—

“(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

“(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

“(6) Such entity has been found by a foreign financial or energy regulatory authority to have—

“(A) made or caused to be made in any application or report required to be filed with a foreign regulatory authority, or in any proceeding before a foreign financial or energy regulatory authority, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign regulatory authority any material fact that is required to be stated therein;

“(B) violated any foreign statute or regulation regarding the transmission or sale of electricity or natural gas;

“(C) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign regulatory authority regarding transactions in electricity or natural gas, or contracts of sale of electricity or

natural gas, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

“(7) Such entity is subject to any final order of a State commission (or any agency or officer performing like functions), State authority that supervises or examines banks, savings associations, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), or the National Credit Union Administration, that—

“(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, savings association activities, or credit union activities; or

“(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.

“(8) Such entity is subject to statutory disqualification within the meaning of section 3(a)(39) of the Securities Exchange Act of 1934.”

#### SEC. 606. REVIEW OF PUHCA EXEMPTIONS.

Not later than 12 months after the enactment of this Act the Securities and Exchange Commission shall review each exemption granted to any person under section 3(a) of the Public Utility Holding Company Act of 1935 and shall review the action of persons operating pursuant to a claim of exempt status under section 3 to determine if such exemptions and claims are consistent with the requirements of such section 3(a) and whether or not such exemptions or claims of exemption should continue in force and effect.

#### SEC. 607. REVIEW OF ACCOUNTING FOR CONTRACTS INVOLVED IN ENERGY TRADING.

Not later than 12 months after the enactment of this Act, the Financial Accounting Standards Board shall submit to the Congress a report of the results of its review of accounting for contracts in energy trading and risk management activities. The review and report shall include, among other issues, the use of mark-to-market accounting and when gains and losses should be recognized, with a view toward improving the transparency of energy trading activities for the benefit of investors, consumers, and the integrity of these markets.

#### SEC. 608. PROTECTION OF FERC REGULATED SUBSIDIARIES.

Section 205 of the Federal Power Act is amended by adding after subsection (f) the following new subsection:

“(g) RULES AND PROCEDURES TO PROTECT CONSUMERS OF PUBLIC UTILITIES.—Not later than 9 months after the date of enactment of this Act, the Commission shall adopt rules and procedures for the protection of electric consumers from self-dealing, interaffiliate abuse, and other harmful actions taken by persons owning or controlling public utilities. Such rules shall ensure that no asset of a public utility company shall be used as collateral for indebtedness incurred by the holding company of, and any affiliate of, such public utility company, and no public utility shall acquire or own any securities of the holding company or other affiliates of the holding company unless the Commission has determined that such acquisition or ownership is consistent with the public interest and the protection of consumers of such public utility.”

#### SEC. 609. REFUNDS UNDER THE FEDERAL POWER ACT.

Section 206(b) of the Federal Power Act is amended as follows:

(1) By amending the first sentence to read as follows: “In any proceeding under this section, the refund effective date shall be the date of the filing of a complaint or the date of the Commission motion initiating the proceeding, except that in the case of a complaint with regard to market-based rates, the Commission may establish an earlier refund effective date.”

(2) By striking the second and third sentences.

(3) By striking out “the refund effective date or by” and “, whichever is earlier,” in the fifth sentence.

(4) In the seventh sentence by striking “through a date fifteen months after such refund effective date” and insert “and prior to the conclusion of the proceeding” and by striking the proviso.

#### SEC. 610. ACCOUNTS AND REPORTS.

Section 318 of the Federal Power Act is amended by adding the following at the end thereof: “This section shall not apply to sections 301 and 304 of this Act.”

#### SEC. 611. MARKET-BASED RATES.

Section 205 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

“(g) For each public utility granted the authority by the Commission to sell electric energy at market-based rates, the Commission shall review the activities and characteristics of such utility not less frequently than annually to determine whether such rates are just and reasonable. Each such utility shall notify the Commission promptly of any change in the activities and characteristics relied upon by the Commission in granting such public utility the authority to sell electric energy at market-based rates. If the Commission finds that:

“(1) a rate charged by a public utility authorized to sell electric energy at market-based rates is unjust, unreasonable, unduly discriminatory or preferential,

“(2) the public utility has intentionally engaged in an activity that violates any other rule, tariff, or order of the Commission, or

“(3) any violation of section 101 of the Energy Markets Fraud Prevention and Consumer Protection Act of 2002,

the Commission shall issue an order immediately modifying or revoking the authority of that public utility to sell electric energy at market-based rates.”

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my substitute amendment replaces the electricity provisions of H.R. 6. My amendment is supported by all of labor, by all of consumer groups, by the public power industry, and by a host of other consumer and business organizations.

This is the first time that the House of Representatives has considered changes to the Nation's energy laws since the Energy Policy Act of 1992. Given the volatility and market manipulation that occurred in California

and other West Coast markets during 2000 to 2001, and the real need for reform, I wish I could muster kinder words for this portion of the bill which the amendment changes.

Unfortunately, title VI underscores the continuing lack of consensus about the direction of the Nation's electric markets. In the rush to produce an electricity title, a strange, hybrid, amphibian monster has come forth. It has produced something which has neither competition nor market reform and, indeed, there is not mention of the word "competition" anywhere in the bill. Instead, title VI combines elements of industry deregulation with provisions favoring special interests. Sadly, neither of these has much to do with protecting consumers or investors in this critical industry.

Among its deficiencies, title VI repeals the Public Utility Holding Company Act of 1935. It ties Federal regulators' hands in reviewing unjust and unreasonable electricity contracts. It codifies into permanent law a patchwork of different transmission regimes, placing some lines under Federal jurisdiction and others under State jurisdiction. While the utility may tell us that this last provision takes care of things, do not believe it, because it is going to make a fine controversy, which will continue to plague us.

Just as important, the bill lacks fundamental reforms needed to prevent recurrence of the abuses which the Federal Energy Regulatory Commission uncovered at its recent western markets investigation, and proposes only limited and superficial market reforms.

It is both because of what the title does and what it does not do that I am offering this substitute amendment. My amendment takes a different tack, setting aside deregulation proposals like PUHCA repeal; and instead, provides for a number of common-sense reforms. By curbing fraud and manipulation, which is not done under the committee bill, my amendment will protect consumers and reassure Wall Street and small investors that the industry is again stable.

This amendment gives FERC broad authority to take action against fraud in both electricity and natural gas markets. The Commission's report recently found that some of the abuses in western markets during 2000 and 2001 were not even illegal. This bill would correct that.

The amendment also gives FERC the necessary tools in the form of audit trail authority and robust transparency requirements to detect and deter manipulation.

One disturbing aspect of the Enron scandal was the timing of the Securities and Exchange Commission's decision this year to revoke Enron's "exempt" status under PUHCA, under which they have committed all manner of outrage on consumers and investors alike.

My amendment would also reform FERC's market-based energy rate pol-

icy and permit refunds for electricity overcharges from the date it began, not just from the date upon which they were filed with the FERC.

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Finally, the substitute amendment increases civil and criminal penalties to the level of the Sarbanes-Oxley legislation enacted in the 107th Congress.

If my colleagues wish to vote for reform, this is the proposal. It is not one which is sought by the special interests; but it is one which is sought by consumers, investors, and others.

I urge my colleagues to vote for protection of consumers and investors and against future Enrons. In short, vote for the Dingell substitute amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, let me first applaud the intent of my friend, the gentleman from Michigan (Mr. DINGELL), in terms of trying to benefit consumers and prevent market manipulation. But if that is the intent, then I am afraid his amendment goes exactly the wrong direction. Here is why:

The issue is not whether FERC currently has the authority to deal with fraud, manipulation, and deception, or whether FERC is even using that authority. Clearly, the FERC has the authority and is using it now aggressively to crack down on market abuses.

The Federal Power Act requires FERC to ensure that all rates, terms, and conditions for wholesale power sales and for transmission services are in fact "just and reasonable and not unduly discriminatory." This empowers the FERC to prohibit fraud, manipulation, deception, other anticompetitive conduct that distorts the market or harms consumers.

I have heard a number of my Democratic colleagues cite the manipulative practices FERC has identified in the Western markets. I am aware of that; but that is only half the story. What has been overlooked is the fact that FERC has identified these things in the context of taking strong enforcement actions against them. FERC has found, for example, many of the practices to be unjust and unreasonable and is taking action.

A recent commission staff report identifies the following, among others. Let me list them: fraud, manipulation, deception, attempted manipulation, gaming, wash trades, withholding, price distortion, inflated pricing and bidding, violation of tariff antigaming provisions, market abuse, unjust enrichment, misreporting prices, providing false or misleading information, taking unfair advantage of market rules, and anomalous market behavior.

Not one of these anticompetitive practices is just and reasonable or beyond the FERC's authority to act right now. That is why FERC is taking action right now against them.

The issue is not whether H.R. 6 does enough to update the FERC's existing

authorities. It does. The electricity title of H.R. 6 enhances and modernizes FERC's penalty and enforcement powers in specific ways that FERC itself has requested.

FERC Chairman Pat Wood has testified that he needs market transparency authority and increased civil and criminal penalties for violation of the Federal Power Act's own rules and regulations.

The bill does both of these things and more: it adds transparency for both electricity and gas, and it dramatically increases the criminal and civil penalties. It makes needed adjustments in FERC's refund and investigative authorities.

But H.R. 6 does not stop with penalties and enforcement; the Dingell amendment does. The Dingell substitute strikes the entire electricity title.

So we should ask ourselves, what does the Dingell substitute do to promote investment in critical infrastructure or to increase our electric supply? The answer is zero.

What does it do to protect system reliability, which is essential for all customers? The answer again is zero. Or to promote new technologies for greater efficiency? Zero. Or to protect consumer privacy and prevent slamming and cramming of retail customers? Zero.

That is the electricity title the Dingell amendment would strip. That is the problem: it does nothing but impose a cumbersome new regulatory framework on top of FERC's already existing broad authorities under the Federal Power Act.

It is not clear how this new SEC-style framework would work in conjunction with the "just and reasonable" standard of the current law, nor is it clear how broadly this new framework would apply. It applies in the Dingell amendment to every entity.

Let me tell Members what I think that means. I think it means that it applies equally to every rural co-op, every municipal utility, and every Federal utility. So those concerned about rural co-ops, Federals, and munis, they ought to know this. When the Dingell amendment talks about any entity, it covers all of these entities.

Our bill, on the other hand, covers these entities in very limited, carefully defined ways, in open access, in refund authority. We exempt the smaller co-ops and munis under 4 million megawatts.

I find it very troubling, on the other hand, the Dingell substitute would inject FERC regulatory authority completely over these, possibly as FERC would interpret it, over all the co-ops and munis.

The electricity title of H.R. 6 goes to the heart of the matter. Without adequate investment in transmission and a diverse, reliable supply of electricity, the result would be a chronic failure of the Nation's electricity market and higher prices for consumers. Regulatory overkill is not the answer.

Enforcement, yes, is very important. Our electricity title addresses that. But the key to protecting consumers is to improve the operation of the competitive wholesale electricity markets and eliminate the transmission congestion and other factors that have allowed the manipulation to occur in the first place.

According to a 2002 Department of Energy study, competition in wholesale electricity markets reduces consumers' electricity bills by nearly \$13 billion annually. It is time now not to turn our backs on the wholesale competition; we have to look ahead.

Mr. Chairman, I hope we defeat this Dingell amendment which would strip out the incredibly good electricity title of this bill and simply add SEC over-regulatory burdens on a FERC that is absolutely empowered and can do its job today.

Mr. BOUCHER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, the majority is proposing the biggest change to our Nation's electricity laws since the 1930s. Unfortunately, they do this while ignoring the corporate abuses that we have seen over the last few years.

Let me tell the Members, those of us from California have seen these abuses in a major way. By some accounts, California has lost \$40 billion due to energy company manipulation and FERC inaction, and the State will never likely be made whole.

Deregulating the energy companies further when they have acted so irresponsibly in the past makes little sense to those of us in the West, and it is something the rest of the country ought not to invite upon their ratepayers. A national energy bill should ensure that what happened in California never happens again. This bill makes it more likely.

The energy companies argue that what happened in California and other States was simply an insufficient supply combined with a bad State law. Well, it was a bad State law, but they are not telling us the whole picture. We now have proof that companies intentionally mapped the electricity markets to increase prices.

The remedy for corporate fraud is vigorous government supervision. Lax regulation, which this bill would provide, can lead to rampant price-gouging, as California experienced during its crisis. But this bill moves towards deregulating the energy industry and does so without adding needed protections.

The substitute offered by my colleague and friend, the gentleman from Michigan (Mr. DINGELL), contains what is necessary to address the corporate abuses that have so harmed the Nation. This substitute will make it unlawful to engage in the types of fraudulent, manipulative, or deceptive acts that have hurt Western families. Then it gets tough on crime by upping the

criminal and civil penalties and providing treble damages.

Unlike the bill before us, these penalties will actually make it uneconomic for energy companies to manipulate the market in order to gouge consumers. The substitute will also require the Federal Energy Regulatory Commission to carefully review market-based rates annually to ensure that they are just and reasonable.

The gentleman from Louisiana (Mr. TAUZIN) said if Members are worried about all these other parts of the energy industry being regulated, they ought to oppose the Dingell amendment. What he does not point out is that only if they are committing fraud will they be covered under the Dingell amendment. We should support that.

Mr. Chairman, we should make it unprofitable to engage in the kind of fraud and manipulation of the markets that we have seen in California. Without the Dingell substitute, the bill before us invites more price-gouging, more deceptive practices, more fraud.

I urge support for the Dingell amendment.

Mr. TAUZIN. Mr. Chairman, I am honored to yield 3 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, first I think we should point out that the Committee on Rules made in order the Dingell amendment as a substitute, as a substitute for the electricity title. We should commend our chairman on the Committee on Rules for doing that.

Having said that, this is not a substitute; this is an expansion of Federal authority over natural gas and electricity generators and transmitters anywhere in this country, regardless of their size, if it is deemed that they have directly or indirectly used any means that would employ any fraudulent, manipulative, or deceptive device or contrivance in contravention of such rules and regulations as the Federal Energy Regulatory Commission may prescribe as necessary or appropriate, any entity.

Now, the electricity title in the bill has bent over backwards to develop a compromise that protects States, protects small co-ops, protects small municipalities against FERC jurisdiction. The Dingell substitute right off the bat says "any entity."

It then goes further. Not only the FERC, but Federal courts, can prevent these entities from distributing or transmitting or generating electricity or natural gas.

Then it goes even further and says a foreign court, a foreign court, on page 11, I believe of the Dingell substitute, a foreign court: "such entity has been convicted of any felony or mis-

demeanor," misdemeanor, "or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds."

I do not understand that. But if we read that literally, a U.S. energy supplier that tried to sell electricity in Iraq and was convicted in a Saddam Hussein court could be prohibited in the United States of America from transmitting or generating electricity or natural gas.

The Dingell substitute is silent on reliability. The Dingell substitute is silent on siting. The Dingell substitute is silent on the ability to create new grids around this country. It says nothing about RTO, Regional Transmission Organization policy.

It is not a substitute; it is an attempt to be punitive towards any entity in this country that is engaged in the generation and transmission of electricity or natural gas. It may be well intentioned, but it is totally misguided. I hope we will reject it out of hand.

Mr. BOUCHER. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I have in my hand a letter from the National Rural Electric Cooperative Association. It will be useful information for my friends, the chairman of the subcommittee and the chairman of the committee.

It says,

Dear Representative DINGELL:

Electric cooperatives do not endorse the electricity title of H.R. 6. We have serious problems with the repeal of Public Utilities Holding Company Act (PUHCA), and with incentive rates and participant funded transmission.

H.R. 6 expands Federal Energy Regulatory Commission jurisdiction over electric cooperatives' transmission through the so-called "FERC Lite" provision. The Dingell amendment is more narrowly crafted and related to fraudulent, manipulative or deceptive practices.

For the information of my good friends on the other side of the aisle, the public power folks support our amendment, not the committee bill.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

I notice that the letter does not say they support the Dingell amendment; it just says it is narrowly crafted.

That is correct; It is narrowly crafted. It strips out the improvements and reforms in electricity.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, it is in our national interest to expand the grid.

If Members want to end market manipulation, oppose the Dingell amendment and expand the grid. If they want to protect critical infrastructure, expand the grid and oppose this amendment. If Members want to lower prices for consumers, oppose this amendment and help us expand the grid. If Members want to create jobs in America today, they have to oppose the Dingell

amendment because we have to expand the grid.

Expanding the grid is in the critical national interests of our Nation. I cannot believe that we would have an amendment, when we have energy security issues, and we would not work to expand the transmission grid in this country.

Mr. BOUCHER. Mr. Chairman, I yield myself 1 minute and 30 seconds.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Chairman, I urge the adoption of the amendment of the gentleman from Michigan (Mr. DINGELL), which makes the changes that truly need to be made in the laws governing the electricity markets.

I commend the gentleman from Michigan (Mr. DINGELL) for his approach. His amendment is directed to the heart of today's problem, which is market manipulation and fraudulent conduct.

The amendment assures appropriate recordkeeping in electronic form of wholesale market transactions. It increases penalties for misconduct. It substantially improves the ability of the Federal Energy Regulatory Commission to monitor the gas and electricity markets and to act against those who engage in fraudulent and manipulative conduct.

Around these principles, broad agreement can be achieved. I urge the adoption of these provisions now. The other electricity provisions, which are contained in the committee's comprehensive bill, can and should be considered separately and at a later time.

□ 1715

The consensus to approve these broader measures has simply not been reached. And so, for today, I urge adoption of the Dingell amendment and deferring to a later time the other fundamental and controversial electricity market measures that are contained in the committee bill.

Mr. TAUZIN. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Nebraska (Mr. TERRY), a member of our committee.

Mr. TERRY. Mr. Chairman, I appreciate the gentleman yielding me time.

When I heard our ranking member, the gentleman from Michigan (Mr. DINGELL) talk about our rural co-ops, first of all, I heard from him a great deal when we passed this 2 years ago; but I have not heard from him, so it came as a surprise to me. But also I have in my hand a letter from the North American Electric Reliability Council, or NERC. Let me read a portion of that letter.

They, NERC, stand in strong opposition to the Dingell amendment which would strike several provisions. Because of several reasons that they state in this letter, they urge support for the electricity title of H.R. 6 and oppose the Dingell amendment.

Mr. Chairman, this is an important provision to support the bill, H.R. 6, as

it stands; and I just want to give a quick story about a company that used to be located in Omaha called Enron.

Enron was originally an Omaha company, and they defied and lied to everybody and then left town. But it is amazing when they defrauded their shareholders and consumers, what happened when that company was dissolved, a company called MidAmerica Energy was able to buy back the northern natural gas component of that. They were able to because PUHCA was not involved in the natural gas part of it, and they could buy it and bring those jobs back to Omaha. The same company, that would like to build power plants around, cannot because of PUHCA.

If we want to resolve this Nation's energy crisis, Mr. Chairman, we need to adopt the provisions in H.R. 6 and vote against the Dingell amendment.

Mr. Chairman, the letter from the North American Electric Reliability Council is as follows:

NORTH AMERICAN ELECTRIC  
RELIABILITY COUNCIL,  
Princeton, NJ, April 10, 2003.

Hon. W.J. TAUZIN,  
Chairman, House Committee on Energy and  
Commerce, Rayburn House Office Building,  
Washington, DC.

DEAR CHAIRMAN TAUZIN: On behalf of the North American Electric Reliability Council (NERC), I would like to express NERC's strong support for the reliability provisions in the electricity title of H.R. 6, and our strong opposition to the Dingell amendment, which would strike these provisions.

As you well know, the bulk power system is increasingly stressed. Today, there are no mandatory reliability rules enforceable against all users and operators of the bulk power grid. The reliability provisions in the electricity title of H.R. 6 would correct this situation. It is critical that this legislation be enacted as soon as possible to help ensure the reliability and security of the North American bulk power system. For this reason, we urge support for the electricity title of H.R. 6 and oppose the Dingell amendment to strike the reliability language from H.R. 6.

Sincerely,

MICHEHL R. GENT,  
President and CEO.

Mr. BOUCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, in our committee, we had a huge, successful string of hearings dealing with the Enron crisis and the aftermath of that set of scandals which rippled through the entire electricity and natural gas marketplace.

The Federal Energy Regulatory Commission, responding to our inquiries with regard to what they needed in order to deal with that crisis, said that there are seven deadly sins in this marketplace. Enron called them things like, Ricochet, Fat Boy, Death Star, Wheel Out, Get Shorty. The Federal Energy Regulatory Commission called them the seven deadly sins of Enron. And the seventh one, Round Tripping.

This legislation only bans one of the seven deadly sins of Enron, Round Tripping. That would be like saying,

well, we are outlawing sloth, but we are not going to do anything about pride, envy, gluttony, greed, lust, we will let them all stay on the books.

So what the Dingell language does is say that we give antifraud authority to the Federal Energy Regulatory Commission so they can go against each and every one of the seven deadly sins of Enron and all of those other companies that were engaging in systematic defrauding of American consumers and competitors of those companies across our country.

And, in addition, the Dingell language dramatically increases the penalties that the Federal Energy Regulatory Commission can impose upon these companies so that when they get caught, the punishment fits the crime.

The Dingell language mandates that electronic trails of all these documentations have to be kept. They cannot just put it on a piece of paper, written in pencil. That makes it almost impossible to reconstruct the trail of what they were doing in their efforts to defraud the American consumer and the other companies across the country, an electronic trail like we have at the Securities and Exchange Commission, or at the CFTC, at other trading entities for equity and futures and options all around the world, everywhere but in the electricity and natural gas on-line trading marketplace. There we are still using pencil and paper like it was the 1980s, ancient history in trading in the world, and we want to bring it forward.

The Dingell amendment does that, so that when they commit the crime, we will be able to identify it, the FERC will be able to trail it, stop it, and then the punishment under the Dingell amendment will fit what they did to the American consumer and public. I urge an "aye" vote.

Mr. Chairman, I rise in support of the Dingell substitute and ask unanimous consent to revise and extend my remarks.

If you are concerned at all about the threat of fraud and manipulation in electricity markets, you should vote for the Dingell Democratic substitute.

The Dingell substitute would add a basic antifraud provision to the Federal Power Act, giving the FERC the tools needed to bring enforcement actions using this antifraud authority, and impose tough civil and criminal penalties on those who violate the antifraud or other provisions of the Federal Power Act.

The first part of the amendment is a basic antifraud provision that uses language identical to that of the antifraud provisions of the Federal securities laws, which have been in place for the last 65 years. It creates a general antifraud prohibition intended to be broad in application, making it unlawful for any entity, directly or indirectly, by use of any means or instrumentality of interstate commerce, to use or employ any fraudulent, manipulative, or deceptive device or contrivance in connection with the purchase or sale of electricity or natural gas in contravention of such rules and regulations as the FERC shall prescribe.

In the Energy and Commerce Committee, we've heard testimony from the FERC about

what Chairman Pat Wood referred to as the "Seven Deadly Sins" of Enron's market manipulations—trading practices known as "Price Manipulation-Load Shift," "Export of California Power Richochet" or "Megawatt Laundering," "Fat Boy or Incing Load," "Non-Firm Exports," "Death Star," "Wheel Out," "Get Shorty," and "Selling Non-Firm Energy as Firm Energy."

But the bill before us today prohibits only one of the Seven Deadly sins—Roundtripping.

That's like saying that we're outlawing sloth, but we're not going to do anything about pride, envy, gluttony, anger, greed, or lust!

The Dingell substitute would fix that. We shouldn't just be outlawing one of Enron's Seven Deadly Sins, we should be addressing them all.

FERC should not always have to fall back on its "Just and Reasonable" rate authority when it is confronted with fraudulent activities, and there should be a higher penalty available to FERC when a fraud or manipulation has occurred than merely ordering a refund of excessive charges. That is why this amendment is needed.

In addition, the substitute amendment gives the FERC the power to direct the establishment of electronic audit trails which are a fundamental feature of securities and commodities markets. By requiring market participants to make and keep time-stamped trading records in electronic form and to periodically provide them to the regulator, audit trails give FERC the ability to conduct market surveillance and to investigate suspicious and possibly fraudulent or manipulative trading activities. Such audit trails have been in place for many years in our stock and bond markets, and in our nation's futures markets.

The amendment also strengthens the civil and criminal penalties for violations of the Federal Power Act. The current penalties are absurdly low—\$5,000—which is chump change for one of these huge companies. The bill increases these penalties to up to \$1 million. That's an improvement, but it is not good enough. What we've done in the substitute is to increase the criminal penalties up to the levels the House Republicans pressed for when they added the Sensenbrenner amendment to the recently enacted Sarbanes-Oxley bill—up to \$5 million for individuals and \$25 million for companies. In addition, the penalties section also enhances the ability of the court to censure or place limitations on the activities of individuals found to have engaged in serious violations enumerated in the provision. This is drawn directly from section 15 of the Securities Exchange Act, and has been an important enforcement tool for the SEC for many, many years.

If we have learned anything over the course of the 3 years following the Enron scandal, and the subsequent revelations of widespread fraud and market manipulation in the Western electricity markets, it is that the perfect markets assumed by free market ideologues differ from the real markets observed by consumers.

In fact, the FERC staff has now issued two huge reports on their investigations into the Western electricity markets. What they found was a market that was rigged, transparency systems that could be gamed, and electricity and gas prices that were unjust and unreasonable.

But, the FERC staff report also shows the problem that FERC has from a regulatory and enforcement perspective is that the limitations

of current law force it to go after fraudulent companies or rigged electricity markets by prosecuting for filing violations, or commencing rate-making proceedings, when the real heart of the issue is fraud. The House Majority proposal responds to these findings only half-heartedly with a proposal so narrowly circumscribed as to miss most of the Enron-style shenanigans.

Chairman Wood expressed support for the antifraud provisions of the Dingell substitute when I offered them as an amendment and he and his staff have suggested changes to these sections that have been incorporated into the amendment the gentleman from Michigan is offering today. So if you are against fraud in our nation's market, if you want FERC to be able to take action against those who would manipulate these markets at the expense of consumers, you need to vote for the Dingell amendment today.

I urge adoption of the amendment.

Mr. TAUZIN. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Louisiana (Mr. TAUZIN) has 4½ minutes remaining. The gentleman from Virginia (Mr. BOUCHER) has 4 minutes remaining.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Mississippi (Mr. PICKERING), a member of the Committee on Energy and Commerce.

Mr. PICKERING. Mr. Chairman, I rise in opposition to the Dingell substitute.

First, H.R. 6 appropriately targets and creates, effectively, authority and punishment for those who engage in fraud and manipulation. We have already seen the FERC act aggressively to enforce any type of misconduct by those companies such as Enron in market manipulation and fraud. Just as we responded to other corporate scandals, we have in this act and in the FERC appropriated authority and action to punish wrong-doers. But what we do not want to do is to needlessly expand FERC authority to rural co-ops and communities, to give courts sweeping authority that is unnecessary, unwarranted and unwise and the way that we can target wrongdoing effectively, while not creating new bureaucracy and new sweeping court authority.

For that reason, for the rural co-ops and for the others that do not need to be necessarily targeted by the FERC jurisdiction, I oppose the Dingell substitution.

Mr. BOUCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I rise in proud support of the Dingell substitute, and I am especially supportive of the provision in the substitute that would prohibit fraudulent, manipulative, and deceptive acts in electric and natural gas markets.

These provisions will help prevent electricity problems like those that occurred in the great State of California, where it is clear that energy companies used fraudulent and deceptive plans to

inflate the market. And although our energy costs in the State of California are approximately \$6 billion annually, price gouging caused that amount to skyrocket to \$44 billion in 2000 and 2001. How absurd.

Let me state that people in California are paying the price. Many of our small businesses in the districts that we represent have gone bankrupt. In fact, our consumers were faced with electricity costs that rose up 300 percent in 4 short years. Today, consumers are still waiting for refunds and rebates and payments that they made as a result of the price gouging.

I would ask Members to please support this substitute amendment. It does the right thing for Californians, and it sets a course for the country.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I first wanted to thank the committee chairman and the subcommittee chairman for working closely with me and the people I represent in a very rural part of Oregon to carefully craft this to take care of some very important needs of our rural electric co-ops, our munis and others.

The thing that concerns me is, if we go into conference with this title completely gone, then we have lost some of the guarantee that you and I have worked out to take care of some of the issues in the Northwest, and that is of deep concern.

The other thing is being a Westerner, I watched what happened in that market out there. And, yes, I am against fraud and I am against manipulation and all of that. I think our version of this bill brings out a pretty heavy sledgehammer. We do not need to bring out the MOAB and destroy the whole market.

I think what we can do here is, we are directing FERC carefully in what to do and giving them the guidance that they need to stop the manipulation and the round tripping in the market. And I believe what we are doing makes a lot of sense.

Mr. Chairman, I support the gentleman's version of this legislation, and I urge opposition to the Dingell amendment.

Mr. BOUCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support of this proconsumer substitute offered by the distinguished ranking member. This important amendment will help protect consumers from price gouging, collusion, blackouts, and anticompetitive practices in the electric energy market.

This amendment preserves PUHCA, the Public Utility Holding Company. For the past 7 decades, PUHCA has helped prevent electric energy companies from ripping off consumers by manipulating the market. This is very important because energy is not just another commodity; it is a necessity, like

food and shelter. Consumers need to be protected from unfair business practices.

This amendment enhances FERC's antifraud authority, requires FERC to ensure that consumers are not charged exorbitant rates due to market manipulation. When they are overcharged, this amendment would guarantee a chance to recover meaningful refunds.

This amendment is supported by all of the major consumer organizations. Do not turn your back on your constituents. Vote for the Dingell amendment. It is a vote for consumers, not energy executives.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Telecom Gulch, California (Mr. ISSA), a distinguished member of our committee.

Mr. ISSA. Mr. Chairman, I have listened carefully to the statements of the supporters of this amendment and I apologize for having to say that I have never seen more profoundly misguided statements.

As a Californian, I am acutely aware of how we got into problems in California, how this bill, at least partially will get us out, and how the substitution would do nothing but leave us with the problem we are in.

There is no question, California's problems came from misguided laws that led to market manipulation, no question at all, companies took advantage of it. But also the Los Angeles Department of Water and Power took advantage of it, and at least this law as it is written will cause some control over that public power. Right now, we cannot get a penny back from the manipulation that went on with public power.

Additionally, there is no question in my mind that California will continue to have problems unless we have a functional transmission system. Today, we do not. Without the kind of reforms that this provides, we will not have it. Please vote down the substitution.

Mr. BOUCHER. Mr. Chairman, we have one additional speaker. I would like to ask the gentleman from Louisiana (Mr. TAUZIN) if he is prepared to close or if he has other speakers.

Mr. TAUZIN. Mr. Chairman, I have one additional speaker who will close, so I would ask the gentleman to use his time.

Mr. BOUCHER. Mr. Chairman, I yield the balance of our time to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, with all respect for all of my colleagues, there are certain things that are very simple and very clear here.

The bill before us does not address the problem. It repeals PUHCA. It eliminates the merger protections. It has virtually no protections in it against fraud. It raises the bar significantly for FERC to modify contracts. And it fixes it so that you cannot get speedy refunds going back to the date that the wrongdoing occurred.

Now, what does the substitute do? It gives FERC broad antifraud authority in every part. And I would note that it is supported by both the public power people and by the co-ops. It directs FERC to establish audit trails that do other things, including requiring transparency of transactions and rate-making so as to more easily detect and deter wrongdoing.

□ 1730

It requires the SEC to review existing PUHCA exemptions to prevent future Enrons from obscuring its actions, and I would note that SEC and FERC have pointed out the huge number of improprieties associated with Enron.

It increases civil and criminal penalties, and it reforms FERC's authority to permit refunds of unjust and unreasonable market-based rates back to the date that they began.

If my colleagues represent any place West of the Continental Divide in the United States, they should support the amendment because the amendment is crafted to address the problems which we found in the different reviews which took place of the misbehavior of Enron and others in the electrical utility industry. I would note that the abuses there cost consumers billions, not millions, billions of dollars, and in almost every State West of the crest line of the Rocky Mountains, including California but also including Nevada and Utah and Washington and Oregon.

If my colleagues want to stop fraud, if they want to stop wrongdoing, if they want to protect consumers, if they want to protect the American investing public, if they want an honest rate-making system, vote for the amendment.

Mr. TAUZIN. Mr. Chairman, I yield the remaining time to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and the author of the electricity title, which would get stripped by the Dingell amendment. He will close on this dastardly amendment by the gentleman from Michigan (Mr. DINGELL).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, the electricity title before us in the bill has 10 titles.

It has a title on transmission capacity. The Dingell substitute is silent.

It has a title on transmission operation. The Dingell substitute is silent.

It has a title on reliability. The Dingell substitute is silent.

It has a title on PUHCA. The gentleman from Michigan (Mr. DINGELL) does refer to PUHCA.

It has a title on PURPA. The Dingell substitute is silent.

It has a title on renewable energy. The Dingell substitute is silent. Renewable energy includes net metering, renewable energy production. The Dingell substitute is silent.

It has a title on market transparency, round trip trading prohibition

and enforcement. The gentleman from Michigan (Mr. DINGELL) does address market transparency and enforcement.

It has a title on consumer protection. The Dingell substitute is silent.

It has a title on merger review and reform and accountability. The Dingell substitute is silent.

It has a title on economic dispatch. The Dingell substitute is silent.

Mr. Chairman, the Dingell substitute is not a substitute. It may be well intentioned where it does address, but out of 10 titles, it addresses 1½ titles of the electricity title. We should reject it and adopt the compromise bipartisan electricity title that has been worked out over the last 4 years in subcommittee and full committee, and I would hope that we would reject the Dingell substitute.

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise today to express concerns about provisions in Title 6 of H.R. 6 that I believe could have adverse consequences for rural electric cooperatives. Rural coops are critical to rural America.

I am concerned that H.R. 6, as it currently stands, could subject rural cooperatives to overly burdensome Federal regulations and add additional costs. Further, I believe we must build in sufficient guarantees to prevent market power abuses.

Having said that, I believe the Dingell substitute also goes too far in extending the reach of the Federal Energy Regulatory Commission (FERC) over rural coops and does not go far enough in addressing important issues like reliability and privacy protection that face our consumers today. For that reason, I will oppose the Dingell substitute.

Fortunately, this is the beginning rather than the end of the process. I strongly encourage Chairman BARTON and Chairman TAUZIN to change H.R. 6 in conference so electricity is made more affordable and reliable without harming the rural cooperatives that are the backbone of America's electric delivery system.

Mr. TAUZIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). All time on the amendment offered by the gentleman from Michigan (Mr. DINGELL) has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Chairman pro tempore announced that the yeas appeared to have it.

Mr. BOUCHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. DINGELL) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 108-69.

AMENDMENT NO. 3 OFFERED BY MRS. WILSON OF NEW MEXICO

Mrs. WILSON of New Mexico. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. WILSON of New Mexico:

In division C, in section 30407(a), strike "and" after the semicolon at the end of paragraph (1), strike the period at the end of paragraph (2) and insert "; and", and add at the end the following:

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

The amendment that we are considering places limits on oil exploration in the Alaska National Wildlife Refuge. I believe that it is possible to have a balanced, long-term energy plan for this country that includes both exploration for the energy we need and protection of the land that we love.

Mr. Chairman, in the course of the debate on these issues on what we should do with respect to Alaska, we kind of made a promise. The people who want to explore for oil in Alaska have said that they think it is possible to do this with no more than 2,000 acres of total surface disturbance. What this amendment does is take them at their word because all of us know that sometimes here in Washington people say things and then later on those promises are not kept. So we are going to write the promise into the law.

This amendment was approved in the comprehensive energy bill that was passed by this House in the last Congress, and it was approved in the amendment in exactly the same form as we are hearing it still today.

What is 2,000 acres? What are we really talking about here? Two thousand acres is about three square miles. It is a tiny part of the coastal plain of ANWR. To make this kind of real, I kind of think of it this way: if all of Alaska were a 2-hour movie, then ANWR, this section here, would be about 6 minutes and 24 seconds. The coastal plain area would be about 30 seconds and 2,000 acres would be the blink of an eye.

In order to explore for oil and reduce our dependence on foreign oil, I think it is possible to have this balance that allows surface disturbance in the blink of an eye. This bill requires that we use the best available technology. It favors things like ice roads rather than gravel roads, and by 2,000 total acres of surface disturbance, that includes everything: roads, pylons, pipelines, support structures, airfields, whatever it is. It is limited to no more than 2,000 acres.

I live in the most beautiful State in the Nation, and I know some people in

this room would disagree with that, but the Land of Enchantment is the third largest supplier of natural gas to this country and number six in oil production. We have some of the Nation's largest coal and uranium reserves. It is possible to explore for energy and to protect the land that we love. This amendment writes that into law.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Massachusetts (Mr. MARKEY) claim the time in opposition?

Mr. MARKEY. Mr. Chairman, yes, I would like to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman is recognized for 10 minutes.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from the State of Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in strong opposition to the amendment.

We are talking here about a very small area, the coastal plain area; and as we can see, there is a lot of area, a huge area already available for leasing for oil and gas drilling. Most of that has not been explored.

I oppose the amendment because I believe this coastal plain ought to be preserved and protected against oil and gas drilling. The Reagan administration called that little coastal plain the biological heart of the refuge. Indeed, the best ecosystem at this temperature in this whole hemisphere exists on coastal plain. It is a remarkable area. But look what 2,000 acres of drilling does because that is what this amendment does; it restricts drilling to 2,000 acres.

Two thousand acres would allow eight Alpine-type fields, 19 satellite fields, 26 satellite fields of another type, two docks, so on and so forth. My colleagues, you can see how once we site those various fields and the roads and waterways and pipelines that have to connect them and the support system for all the people, we do make a huge impact on the coastal plain, and it will no longer be the pristine coastal plain it is today. That kind of impact will change the environment quite dramatically.

Second point, this is not an area rich in water. In fact, the U.S. Fish and Wildlife study describes this whole ANWR as a technically dry area, with less than 5 inches of precipitation each year. In addition, the coastal plain has few lakes. They are shallow and unevenly distributed.

One has to get water to build ice roads, and because the lakes are unevenly distributed and shallow, drilling pads would have to be sited all across the region due to the distribution of the water resources. Because the lakes are shallow, if the necessary amount of liquid is taken out from under the ice cap during the winter, and with five inches of precipitation annually, the

lakes will not be able to refill to a health level.

So one of the reasons drilling will be so environmentally devastating to this coastal plain is because it will destroy the water resources of the region and make them unable to support the ecosystem, that system so unique to this area, so valuable to our hemisphere, and such a remarkable natural resource that it deserves continued preservation.

Mrs. WILSON of New Mexico. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources.

Mr. POMBO. Mr. Chairman, I thank the gentlewoman for yielding me the time.

The entire area of the north slope of Alaska is nearly 100 million acres. It is nearly the size of California. Arctic National Wildlife Refuge is nearly 20 million acres. What this amendment does, I think, is responsibly goes in and narrows the scope of what we are looking at in the underlying bill by setting aside 2,000 acres.

The gentlewoman who just had the map down on the floor showed a map of it spread out, the 2,000 acres spread out, and I think it is quite amusing that it shows 28 airports on her map over that 2,000 acres.

I will just say that I support the gentlewoman's amendment. I think this is a responsible way of dealing with oil exploration in the north slope of Alaska along the coastal plain. I think this is a responsible way of looking at our future in dealing with today's demands.

I support the amendment, and I urge my colleagues to vote "yes" on the amendment.

Mr. MARKEY. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, when is 2,000 acres, not 2,000 acres? Well, it is when we are talking about the Wilson amendment. This amendment does not mandate that the 2,000 acres be contiguous or that we count roads necessary for production or the gravel mines necessary to build the roads and the pipelines necessary to move oil to market. It would only count when their support posts touch the ground. This is accounting that would make Arthur Andersen very proud.

I have a poster which shows my colleagues what proponents of this amendment want us to believe will happen in the Arctic refuge. Here is the red dot placed randomly on the 1002 area of the Arctic refuge, what we are all debating about. The dot is intended to mislead us into believing that its impact on the refuge would be very small. None of us, of course, knows exactly what the industry would do if we let them loose in the refuge because drilling and producing oil is a messy, inexact, unpredictable business. One thing we know for sure is that it would not look like a nice, neat, red dot on a white background.

The overlay is much more realistic in terms of what we can expect. This is taken from a 1987 environmental impact statement of the Department of the Interior, the same environmental impact statement the underlying bill says is good enough for starting a leasing program.

As we can see, it is not a red dot. It represents impacts estimated by the Department of the Interior spreading over 130,000 acres to 303,000 acres, one-fifth of the entire 1002 area, not a 2,000-acre dot.

This shows the pipelines needed to get the oil out of the refuge, the feeder lines to the wellheads and the impact area around the facilities.

The surface area is extensive and stretches across the entire refuge.

□ 1745

It shows oil extraction the way it appears when it is a serious mineral extraction exercise.

Now, just so the listening audience can have an idea as to how much 2,000 acres is, the entire New Jersey Turnpike, 12 lanes, going 100 miles through the entire State of New Jersey, is 1,800 acres. The entire New Jersey Turnpike. Put the entire New Jersey Turnpike, 12 lanes, across 100 miles of this Arctic Refuge. That will give my colleagues an idea of what 2,000 acres looks like. And lest anyone believe that is still a pristine area, they do not understand that oil and pristine wilderness do not go together.

Mrs. WILSON of New Mexico. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Massachusetts is clever and creative, but he is also misinforming the public. The amendment that I proposed includes all production facilities, all roads, all pipelines, all within the 2,000-acre area; and the map he displayed is far more than 2,000 acres in his red lines.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my neighbor, the gentlewoman from New Mexico (Mrs. WILSON), for yielding me this time and allowing me to speak on this amendment.

Mr. Chairman, I rise in support of the Wilson amendment. I want to follow up on what my colleague from Massachusetts said. He is correct, drilling for oil is messy, inexact and unpredictable, but that is what our economy runs on. Maybe 20 or 50 years from now we will be able to have some other energy source, but for the foreseeable future we have to have hydrocarbons. That is why I appreciate the Wilson amendment, because it limits the production and the pipelines and everything else in ANWR to that 2,000 acres.

I have had the opportunity a couple of times to go to ANWR on the coastal plain to meet with the residents of Kaktovik. I found out something interesting the last few days when I have asked my colleagues, who went up there with the environmental commu-

nity. I asked them if they sat down with the native Alaskans, who want production in their community because they want the jobs. And they do not want it spoiled, they do not want oil running out on the ground or hurting their fisheries, but they want it because they know they can do it efficiently and they can do it clean and they also know that that it is good for the economy of our country.

My colleagues talk about what we import. Well, it is just strange to me that we close off ANWR, we close off California, and we close off Florida. The only place they want to drill is in Texas, and we are willing to do it to fuel our country.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time, and I appreciate the effort on the part of the gentlewoman from New Mexico to limit the impact on the Arctic slope in oil drilling. I am here to speak now on another perspective.

First of all, I think when we use this oil up, we will be more dependent on foreign oil. Once this is gone, a tiny fraction of the world's oil and when it is gone, we will be more dependent on oil from the Middle East and other places.

But I am speaking on behalf of the effects of the human environment here, and I want to quote an Arctic elder. "The land can tell us everything we want to know." We might think of an Eskimo saying that. "The only problem is that it does not have a voice. We cannot hear it. But the spirit of the land is always there."

Many parts of our country that depend on hunting and fishing also have agriculture and forestry. This is one of the few places on the planet where there is no agriculture, there is no forestry. The entire culture, nutritionally and economically, depends on whales, polar bears, seals, and caribou. They depend on what the pristine wilderness gives them. Even a 2,000-acre imprint would cause, because of the sound and because of the disturbance, the migration routes of all these things to change. This one 2,000 acres in this narrow area has a great impact, a difficult impact on the culture of this community.

So I am speaking on behalf of the culture of the northern Native Alaskans.

Mrs. WILSON of New Mexico. Mr. Chairman, may I inquire the time we have remaining?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentlewoman from New Mexico (Mrs. WILSON) has 5 minutes remaining, and the gentleman from Massachusetts (Mr. MARKEY) has 4 minutes remaining and the right to close.

Mrs. WILSON of New Mexico. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, as a former member of the Presidential Oil Policy Commission and as the current chairman of the Subcommittee on Research of the Committee on Science, I am convinced we are going to solve this problem of energy dependence. Through scientific research, we are going to find more efficient, better uses, we are going to develop conservation, and we are going to develop alternative uses of energy. But in the meantime, we need the exploring of oil and getting some of those resources until we come up with those scientific advances. We need this opportunity.

Look, the people against this amendment are saying we are making ANWR better and so do not limit it to 2,000 acres. Let us make it better. Let us make the final decision on ANWR after we pass this amendment.

And with that, I would just say it is an area less than 2 miles square in the millions of acres that are now in ANWR.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. OLIVER).

Mr. OLIVER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, drilling in the Arctic Refuge solves none of our energy problems. Development will take a decade and cannot provide more than 2 percent of our oil need. Drilling in ANWR is bad energy policy, but it is terrible environmental policy. ANWR is a fragile ecosystem, and drilling in this environmentally sensitive area risks one of our national treasures.

We currently consume 25 percent of the world's oil, but only 2 percent of the world's oil reserves are located within the U.S. So we cannot drill our way out of dependence on foreign oil. ANWR is neither a short-term nor a long-term solution to our energy needs.

For the long haul, our national security and the security of our world depends on using less fossil fuel. We need a crash program of research and development for renewable and nonpolluting sources of energy, but the majority blocked such amendments. Instead, this bill gives us more of the same, billions of dollars in subsidies to the fossil fuel and nuclear industries and new threats to the environment.

I urge my colleagues to think: 2,000 acres is this amendment; 1,800 acres is the New Jersey Turnpike. I urge a "no" vote on the amendment.

Mrs. WILSON of New Mexico. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from Arizona (Mr. RENZI), who has just returned from Alaska.

Mr. RENZI. Mr. Chairman, this weekend I was fortunate to visit the Eskimo village of Kaktovik. And though I have respect for the gentleman from Maryland, we did not eat whale meat or caribou, we ate turkey sandwiches.

There are plenty of people that have never been to that Eskimo village who

want to see the Eskimos in their igloos. They want them returned to the Ice Age. What the people want, the only people who live there, is they want safe, reasonable oil development. They want to see us and help us draw out those energy resources that are beneath their feet. We have taken the time to give them back their land, but we do not give them the opportunity to go after the resources that they need to sustain their economy.

We spoke to an 81-year-old elder up there who believes that the land was given to him by the Creator. It was given to him to use in harmony, in a holistic approach.

Mr. Chairman, what is so good about this legislation is that it requires the energy development companies to use the highest and best technology available to mankind. It requires that they not leave the environment scarred. It requires that fish and wildlife not be disturbed.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Washington State (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chairman, I have been to Yellowstone, Glacier, and Mt. Rainier National Parks. And after being on the banks of the Aichilik River, right next to where they want to put this oil production facility, I can warrant there is no more beautiful biologically dynamic place, full of wonderful critters, grizzly, caribou, and ptarmigan, anywhere in America.

I think Americans think about the Arctic a little bit like they think about the Mona Lisa. It is beautiful, they will probably never get to see it in person, but they would not want to put a mustache on it, albeit just a small mustache. Americans do not believe a mustache belongs on the Mona Lisa, and an oil production facility does not belong in the Arctic Wildlife Refuge.

Mrs. WILSON of New Mexico. Mr. Chairman, I yield myself 30 seconds just to say that I agree with my colleague from Washington, it is a beautiful place which should be preserved, which is the nature of this amendment, to find the balance between exploration and preservation.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Chairman, I want to speak about another national wildlife reserve. It is not in the cold north of ANWR. It is not in the frozen tundra along an Arctic coast, which is already producing just a short distance away, in Prudhoe Bay, an amazing amount of resources for the good of our country. It is the national wildlife reserve located in deep south Louisiana. It is called Mandalay. It is beautiful.

And if my colleagues think there are any critters running around in the Arctic, or in the ANWR, they should come to Mandalay. It is so rich in wildlife,

with fish diversities of which one could never imagine. We call Louisiana "Sportsmen's Paradise," there is so much fish, so much wildlife there. In fact, when I came to Washington as a young freshman, I told the Department of the Interior they had to get the alligators off the endangered species list quick or put us on, one or the other.

We have alligators, fish, turtles, and every kind of wildlife a person can think of in Mandalay Wildlife Reserve. There are also 100 producing wells. Each one of those wells produces for the good of our country. It produces in an environmentally safe way. Royalties from that production goes back into protecting Mandalay and the 5 million acres in Louisiana that we protect as wildlife areas, including Mandalay. We do it in an environmentally sensitive way in the heart of a region that is so full of wildlife it cannot even compare to the Arctic and ANWR.

What the gentlewoman is attempting to do in this effort is to produce for the country's sake, so we do not have to depend upon people like Saddam for our oil. In the interest of helping this country, she is reducing the footprint to a mere 2,000 acres, which is a lot smaller than Mandalay, a mere 2,000 acres. She is going to reduce the footprint of this activity to an area so small it is almost unimaginably small; and then this country would be better off for it.

The gentlewoman's amendment needs to be adopted and we need to make sure this Nation takes advantage of this other national wildlife reserve.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me this time and also for his leadership.

I rise today in opposition to the Wilson amendment and in strong opposition to this energy bill. Our national security depends on energy security. We all know that. But instead of investing in the future by developing new, cleaner forms of energy, this bill tells us the answer to America's energy problems lies in the Arctic Refuge. Well, if we drain every drop of economically recoverable oil out of this wilderness, it will be consumed in 6 months. So that is hardly the answer.

We have all heard that drilling in ANWR will create thousands of new jobs. But investing in innovations and energy technology and improvements in energy efficiency could produce hundreds of thousands of new, good-paying jobs that are a lot closer to home for most of our constituents than the Arctic tundra.

The question of drilling in the Arctic is also a question of environmental justice and native rights. Many native tribes oppose drilling. They know this land is sacred and they know what drilling will do to it.

The Arctic Refuge is a fragile ecosystem. If we allow drilling, we will not be able to go back and make it whole.

This amendment opens the door to drilling and destruction that will expand far beyond 2,000 acres.

□ 1800

Mrs. WILSON of New Mexico. Mr. Chairman, I yield myself the balance of my time.

This amendment would limit the environmental impact on the Alaskan National Wildlife Refuge, and I think it is important to put in context how much it would. If the front page of a newspaper were the size of Alaska, 2,000 acres is less than one character on the page. That is a significant limitation. For some Members it is still not enough, but I believe it is possible to have balance.

Mr. Chairman, I yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. BOEHLERT).

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this amendment. This is very clever, well crafted. It is designed to give people cover to say they oppose Arctic drilling when, in fact, they might not. Let us be clear: if Members oppose Arctic drilling, the vote that counts is voting "yes" on Markey-Johnson. That is the vote that matters substantively, and that is the vote that counts politically.

This amendment purports to protect the environment by limiting the impact of drilling to 2,000 acres throughout the Arctic refuge. Guess what, the drilling was already going to occur on a limited number of acres. This amendment does not change a thing. The fact is that 2,000 acres is a lot of territory in an area that is now undisturbed. What is worse, the impact of this drilling will be felt far beyond the borders of those 2,000 acres. We are talking about migratory wildlife, among other vulnerabilities. They do not notice artificial, man-made boundaries. So vote against this amendment which protects nothing. It will not protect ANWR, and it will not provide cover for those seeking to put a happy face on an environmentally devastating vote.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON) will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 108-69.

AMENDMENT NO. 4 OFFERED BY MR. PETERSON  
OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. PENCE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PETERSON of Pennsylvania:

In division C, at the end of section 30409 add the following:

(c) USE OF BONUS PAYMENTS FOR LOW-INCOME HOME ENERGY ASSISTANCE.—Amounts that are received by the United States as bonuses for leases under this title and deposited into the Treasury under subsection (a)(2) may be appropriated to the Secretary of the Health and Human Services, in addition to amounts otherwise available, to provide assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today with my colleague from Pennsylvania to offer an amendment that will provide additional energy assistance to low- and fixed-income individuals under the low-income assistance program, LIHEAP.

LIHEAP provides heating and cooling assistance to nearly 4 million households across the Nation. Unfortunately, LIHEAP is able to provide assistance to only about 15 percent of the 30 million households who are eligible. The amendment the gentlewoman from Pennsylvania (Ms. HART) and I are offering would authorize funds paid to the U.S. Treasury as bonuses for leases in the Arctic National Wildlife Refuge, ANWR, to be used for LIHEAP. The Congressional Budget Office estimates \$2.1 billion in revenues would be generated over a 5-year period from the bonuses.

Today we all know that energy prices are high due to a long, cold winter across much of the Nation. In Pennsylvania, it is still snowing today. Energy prices this winter compared to last year are 30 percent higher for natural gas, 60 percent higher for heating oil, 25 percent higher for propane, and 11 percent higher for electricity. I can testify to the long, cold winter in Pennsylvania and the great need for energy assistance.

The Pennsylvania LIHEAP program in fiscal year 2003 will serve over 300,000 households. The average household benefit is just over \$200. Without LIHEAP assistance, many of my constituents would have to make a choice between heating and eating.

The amendment before the House will provide much-needed energy assistance to low-income consumers. The amendment can provide an additional

average to \$400 million annually to LIHEAP. Dedicating funds to LIHEAP from the production of oil and gas from ANWR will help low-income consumers lower their energy burden. It is a sound public policy to dedicate funds generated from the hope of oil and gas production in Alaska to people in need of energy assistance across the country.

I urge my colleagues to have a heart and support the Peterson-Hart amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MARKEY) is recognized for 10 minutes.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I read the gentleman's amendment, it says that amounts that are received by the United States as bonuses for leases under this title and deposited with the Treasury "may be appropriated to HHS" to help fund the low-income assistance program.

If the gentleman would be willing to engage in a colloquy with me, it seems that it would be entirely discretionary as to whether or not the Committee on Appropriations actually uses the funds that would be raised in order to help the LIHEAP program; is that so?

Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. We are not appropriating. We are authorizing over and above what has been authorized in the past. We are increasing the authorization. We cannot appropriate.

Mr. MARKEY. So as Members are voting, they are not voting for an actual appropriation for additional money for LIHEAP. As the gentleman knows, in past years the Congress has authorized fairly substantially high levels of funding for LIHEAP, and yet the Committee on Appropriations has never quite felt that they had to honor the authorization level. As a result, we have had some difficulty ensuring that the full funding for heating assistance is on the books.

Mr. PETERSON of Pennsylvania. Mr. Chairman, if the gentleman would continue to yield, when we authorize, we never can guarantee that it is going to be appropriated. It is a two-part process. I am a member of the Committee on Appropriations; and as a member of the HHS subcommittee, I intend to do my best to make this a reality, hopefully with the gentleman's help.

Mr. MARKEY. Mr. Chairman, my point is there is going to be a tremendous amount of budgetary pressure on Congress for the remainder of the year. The war in Iraq has yet to be completely paid for, the deficit continues to explode, and the Committee on Appropriations will know that language like this did pass; but my experience in

the past has been that they regard it with about as much weight as the piece of paper upon which it is printed. That is a sad experience for Members on authorizing committees. Has the gentleman had the same experience in the past with the Committee on Appropriations?

Mr. PETERSON of Pennsylvania. If the gentleman would continue to yield, yes, I have; but I think I am in a little better position in this situation. I know the gentleman from Ohio (Mr. REGULA) is very sensitive to this issue. We are not on the authorizing, but we are making a source of funding available to increase by this amount of money. That is our goal, and we are going to do our very best to make it happen.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART).

(Ms. HART asked and was given permission to revise and extend her remarks.)

Ms. HART. Mr. Chairman, I rise in support of the amendment. In fact, I would be surprised if any of my colleagues could in their right mind oppose it.

LIHEAP is a well-established program by the Federal Government, and it is one that anyone who lives in the North is familiar with. Low-income households spend more than 14 percent of their income, some as high as a third, on heating in the winter. Nonlow-income households, your average person, probably spends 5, or as low as 3, percent on heating.

It is important for us as Members of Congress to find ways to make sure that people are warm and comfortable in their homes in the winter. We have all heard of the scary and sad stories of a person who did not have heat and did not have the money to pay for it who froze during a very cold winter. The LIHEAP program has helped to try to prevent that, but almost two-thirds of those who qualify have not been able to access the program for one reason or another.

Part of the reason is money. We are here today, I with my colleague, the gentleman from Pennsylvania (Mr. PETERSON), to support additional funds being authorized for the LIHEAP program. It is very simple. We are going to help more people stay warm through these cold winters. The Federal Government gives States and other jurisdictions these annual grants to help low- and fixed-income people pay heating bills. It has worked well in Pennsylvania. We worked to increase the program while I was a State senator.

The most current Department of Health and Human Services report shows that nearly 4 million households across the Nation received winter assistance; 300,000 of them are in Pennsylvania. My colleagues and I have supported this program. We have sent a

letter to the President supporting this program. In January the White House announced additional funds for the program. What we are doing today is making sure those funds will be available.

Reports show that energy prices this past year compared to the year before were 30 percent higher for natural gas, 60 percent higher for heating oil, 25 percent higher for propane, and 11 percent higher for electricity. It is clear that we need to find new sources to embellish the LIHEAP program and help families stay warm for the winter. This amendment authorizes more money to go into the LIHEAP program and keep more people warm. I urge Members to support it, and we will make sure that the money is there for next year's cold winter.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the good news about the bill itself is on a bipartisan basis, the legislation which we have before us actually does authorize \$3.4 billion for the LIHEAP program, which is great news. It is something that essentially reflects the bipartisan support which exists for this program on both sides of the aisle, and we do not really have a debate over that at all.

The amendment by the gentleman from Pennsylvania (Mr. PETERSON) asks the Committee on Appropriations to use this money that may be raised from leasing in the Arctic, but they do not have to abide by that, and that is the bottom line in terms of the bite that this amendment would have on anything that the appropriators would do.

It should be noted by Members that there is in fact no binding effect which the amendment would have in terms of increasing the actual appropriations that would be set aside for the low-income program. Unfortunately, over the years, the appropriators have always fallen far short of the dollar amount that our committee has authorized to be spent on the low-income program.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the gentleman has a good point. We have a lot of work to do with the Committee on Appropriations. But if the appropriators were to find this new source of revenue, if this bill did pass and they found it and they appropriated money out of the royalty fund without us first having authorized it at our committee level, the gentleman from Massachusetts and I would be objecting to the appropriators authorizing on an appropriation bill. We would say in effect that we have not authorized it yet; they had better not spend it.

So this is an important first step. I would tell the gentleman. The gentleman is correct we would still need the appropriation later; but if we do not do the first step, they cannot do the second step.

Mr. MARKEY. Mr. Chairman, reclaiming my time, we already have in

the underlying bill authorized \$3.4 billion, and they can find it from wherever the revenues are that come in, including the revenues that might come in if there is ever any drilling up in the Arctic refuge; but they would not be constrained in terms of their ability to use it for these purposes, although the gentleman from Louisiana (Mr. TAUZIN) and I are lifelong authorizers, and so we understand the relationship that exists between what it is that we exhort that committee to do and what they ultimately reserve the right to put in place in an actual spending bill.

□ 1815

Mr. TAUZIN. Mr. Chairman, will the gentleman yield again?

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, my concern is that without this amendment, the reason why I think we ought to adopt it, is that there are laws on the books that provide for where royalty and bonus income goes, and without a provision that gives the appropriators a chance to say, no, this money can go to LIHEAP, in fact, on this date in the House Chamber the House authorized it; without that having been done, they may interpret the law to mean that they cannot use these moneys.

I would urge my friend to at least give them that option.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, one of the things I have noted since coming to Congress is that we have a tendency to boil these arguments down to money. How much money one has got in their portfolio, what their dividends look like at any given time. Sometimes we lose track of the fact that what really makes this country great is how we treat our most vulnerable, our children and our seniors. This is one of those issues, how we are treating people that do not have the ability to pay their heating bills.

I find it interesting that there would be an argument against something like this. I say to the gentleman from Massachusetts (Mr. MARKEY), trust me, you will feel the heat if we authorize this money, but we do not appropriate this money. If that money is sitting there, it will be spent on heating assistance. The difficulty is, in this country, that we do not have the ability to pay as many people as we want to.

This is a great amendment because it takes an energy bill that is necessary, that should have been passed many years ago, and applies some of the revenue to a need that exists in this country, and that is to help those less fortunate than others to pay their heating assistance.

And I thank the gentleman from Pennsylvania (Mr. PETERSON) and the gentlewoman from Pennsylvania (Ms. HART) for putting this amendment be-

fore us, and I hope that we can support it.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

I rise to address this amendment, which seems to me to be a harmless amendment. It may result in applying some more money for LIHEAP. In fact, the word "may" is the key word in the amendment. So that is not a bad thing, except for the damage that might be done in the process.

There has been quite a bit of discussion today and there will be quite a bit more about how much petroleum would come from the Arctic Wildlife Refuge. It is not a lot. And also, though, a lot will be said about the damage that would be done in getting that oil.

We have heard some discussion about the footprint and just how small it will be. Let me just mention one thing that is often not considered that will explain how the footprint really is larger. Take, for example, the ice roads that would be built every winter to allow trucks to drive to and from the rigs. Their environmental impact is not only the effects on the ground, which I would say is considerable, but in the fresh water drawn from nearby lakes. In fact, there is not enough fresh water. The effect of drawing this water from the lakes in order to build the ice roads allegedly, purportedly, so as not to damage the environment, will leave these lakes in such a depleted situation that they will freeze all the way through and die.

So there is, indeed, this kind of footprint that extends beyond just the poured concrete area. So we may through this amendment get a little more money for LIHEAP, but it could be at great cost.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

This amendment is a Band-Aid. This amendment helps people who cannot afford to pay for energy, and there are a lot of them. This winter we have had spikes in prices because we do not have enough gas and we do not have enough oil; and when prices spike in this country, it hurts our country and it hurts the poorest of people who have to still drive a car, who have to still heat their homes.

This debate is about having adequate energy supplies to prevent spikes in prices, because I want to tell my colleagues, if we do not do that, we could double and triple LIHEAP next year and the year after and there will not be enough to help the poor who will need it. Because people will not be able to afford to heat their homes, our commercial businesses will not be able to afford to heat their places, and our industries will be going out of business because they will not be competitive.

This amendment just helps those for the moment, but if we do not fix the

main problem, we are going to really be in trouble.

Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. POMBO), chairman of the Committee on Resources.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me this time.

I find it quite interesting, in listening to the debate on this particular amendment, if ANWR is approved, if oil and gas exploration is approved, there will be a substantial amount of money that comes in in the form of royalties and bonuses to the Federal Government. I think all of us agree that there are ways that we would like to spend this money.

The gentleman from Pennsylvania (Mr. PETERSON) came to me, and after discussing this in great detail, I agreed with this amendment because this is an energy bill. It is about a balanced energy policy for the future of this country. Part of that balance is in LIHEAP, and that is to provide for those who need the help. And the gentleman came to me and the gentlewoman from Pennsylvania (Ms. HART) came to me and said, this is what we ought to be doing with the money. I think this is extremely important.

But I also find it kind of ironic that those that represent the States that would benefit the most from LIHEAP have risen in opposition to this, because if this does go into effect and that money does come in, it is their constituents who stand to benefit the greatest from this amendment being in place. There are other places we could spend this money, and I would expect that they would rise in strong support of the gentleman from Pennsylvania's (Mr. PETERSON) amendment because their constituents benefit much more than mine do. But because it is an energy bill, because it is a balanced approach for the future of energy policy in this country, I believe that it is the right thing to do.

I support the gentleman's amendment. I urge my colleagues on the committee and my colleagues in the House to vote in favor of the Peterson-Hart amendment because it is the right thing to do at this time.

Mr. MARKEY. Mr. Chairman, may I ask how much time is remaining?

The CHAIRMAN pro tempore (Mr. PENCE). The gentleman from Massachusetts (Mr. MARKEY) has 2 minutes remaining. The gentleman from Pennsylvania (Mr. PETERSON) has 1½ minutes remaining.

Mr. MARKEY. And what is the order of close on this amendment?

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MARKEY) has the right to close.

Mr. MARKEY. Mr. Chairman, then I reserve that right to close. I am the remaining speaker.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

I will conclude by sharing that this amendment is important to the parts

of this country who have huge heating costs and cooling costs, to help those that are less fortunate than most of us, those that a big piece of their income goes to heat and cool their homes; and this takes a part of the bonuses and puts it in that fund. It has been argued that we do not appropriate, but we do not appropriate anything as an authorizer.

I happen to be an appropriator too, and I intend to do my very best. I will promise the gentleman from Massachusetts that I will do my very best to make sure this gets in the pipeline.

But I want to conclude with the following: The real problem of LIHEAP will only quadruple if we do not bring energy supplies available to this country. If we do not increase oil supplies, energy prices will spike. If we do not increase gas supplies, home heating and manufacturing costs will go out of sight. If we look at the charts, if we look at the graphs, our gas supplies are the lowest in this country they have ever been. Our prices at the moment are prices they do not want to fill with because it is over \$5 a 1,000.

We have an energy crunch in this country. We have a shortage of both gas and oil. We can import oil from unstable parts of the world, but we do not have the ability to do that with gas, and if we do not bring supplies out of places like ANWR and every place we can, if we do not open up lots of parts of this country that are locked up, I am going to tell my colleagues, people are not going to be able to afford to heat their homes, businesses are not going to be able to run efficiently and be competitive, and our economy will be in the tank.

We must pass a comprehensive energy bill.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

It seems to me that if there is a real concern about appropriating money up to the full \$3.4 billion level that is authorized in the underlying energy bill that is supported on a bipartisan basis here on the floor today, at least that part of the bill, then the best thing that we can do is to make it clear to the appropriators that each of us wants that level to be reached in the appropriations process.

The gentleman from Mississippi (Mr. PICKERING) and I are circulating a letter to Members to ensure that, not like last year where all the appropriators could find was \$1.8 billion, but this year they find \$3.4 billion so that the cold-weather States and those hot-weather States, whether it be Massachusetts or Mississippi, any other State in the Union, all are able to be fully funded under this low-income program. And I think that that is the only realistic way in which we are going to be able to ensure that we do take care of this problem. Because ultimately the appropriators are left to their own discretion in terms of how much money they want to appropriate for any program, and I am just afraid that with

the war in Iraq, with the looming budget deficits that are just skyrocketing, perhaps as high as \$500 billion this year, that this language just will not do the job in terms of getting them to take care of this very important program.

Mr. QUINN. Mr. Chairman, as many of you know, I have risen many times to speak here on the floor about the need to support and expand the LIHEAP program.

LIHEAP is a bipartisan issue, and always has been.

I am never surprised to see how my colleagues from both sides of the aisle jump at the opportunity to work together to protect and enhance LIHEAP funding.

Last year, LIHEAP served 4.4 million households.

However, since the year 2000, 2.66 million people have become unemployed, many of whom will seek assistance until they can find new jobs.

The economic downturn has left more households dependent upon energy assistance to ensure that their heating power remains connected.

LIHEAP funding allows for these economically strained people to focus on essential items.

In a time when state officials are forced to slash their budgets the responsibility falls to us to ensure that no family goes without heat when the winter hits.

Many of you have joined me over the past few years calling for increases in funding for the important program.

This amendment provides some direction and opportunity to find that funding.

We must take advantage of opportunities such as this one to identify sources of funding for the LIHEAP programs.

Mr. MARKEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 1 by the gentleman from New York (Mr. BOEHLERT), amendment No. 2 by the gentleman from Michigan (Mr. DINGELL), amendment No. 3 by the gentlewoman from New Mexico (Mrs. WILSON).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BOEHLERT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from New York (Mr. BOEHLERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 268, not voting 4, as follows:

## [Roll No. 132]

## AYES—162

Abercrombie	Hefley	Neal (MA)
Ackerman	Hill	Oberstar
Allen	Hinchee	Obey
Andrews	Hoefel	Olver
Baird	Holt	Owens
Baldwin	Honda	Pallone
Ballance	Hoolley (OR)	Pascrell
Bartlett (MD)	Insee	Payne
Becerra	Israel	Pelosi
Bereuter	Jackson (IL)	Platts
Berkley	Johnson (CT)	Price (NC)
Berman	Johnson (IL)	Ramstad
Bilirakis	Johnson, E. B.	Rangel
Bishop (NY)	Kaptur	Reynolds
Blumenauer	Kelly	Rothman
Boehrlert	Kennedy (RI)	Roybal-Allard
Boyd	Kind	Ryan (OH)
Brown (OH)	King (NY)	Sabo
Capps	Kirk	Sanchez, Linda T.
Capuano	Kleczka	Sanchez, Loretta
Cardin	Kucinich	T. Sanders
Cardoza	LaHood	Saxton
Case	Lampson	Schakowsky
Clay	Langevin	Schiff
Cooper	Lantos	Serrano
Davis (CA)	Larsen (WA)	Shays
Davis (FL)	Larson (CT)	Sherman
Davis (IL)	LaTourette	Slaughter
Davis, Tom	Leach	Smith (NJ)
DeFazio	Lee	Smith (WA)
DeGette	Lewis (GA)	Snyder
Delahunt	Lipinski	Solis
DeLauro	LoBiondo	Spratt
Dicks	Lofgren	Stark
Doggett	Lowe	Tauscher
Dooley (CA)	Lynch	Taylor (MS)
Ehlers	Maloney	Thompson (CA)
Emanuel	Markey	Tierney
Engel	Matsui	Udall (CO)
Eshoo	McCarthy (NY)	Udall (NM)
Etheridge	McCollum	Van Hollen
Evans	McDermott	Velazquez
Farr	McGovern	Waters
Fattah	McInnis	Watson
Filner	McNulty	Watt
Ford	Meehan	Waxman
Frank (MA)	Menendez	Weiner
Frelinghuysen	Michaud	Weldon (PA)
Gerlach	Millender-	Wexler
Gilchrest	McDonald	Woolsey
Greenwood	Miller (NC)	Wu
Grijalva	Miller, George	Wynn
Gutierrez	Moran (VA)	Young (FL)
Harman	Nadler	
Hastings (FL)	Napolitano	

## NOES—268

Aderholt	Burns	Davis, Jo Ann
Akin	Burr	Deal (GA)
Alexander	Burton (IN)	DeLay
Baca	Buyer	DeMint
Bachus	Calvert	Deutsch
Baker	Camp	Diaz-Balart, L.
Ballenger	Cannon	Diaz-Balart, M.
Barrett (SC)	Cantor	Dingell
Barton (TX)	Capito	Doolittle
Bass	Carson (IN)	Doyle
Beauprez	Carson (OK)	Dreier
Bell	Carter	Duncan
Berry	Castle	Dunn
Biggert	Chabot	Edwards
Bishop (GA)	Chocola	Emerson
Bishop (UT)	Clyburn	English
Blackburn	Coble	Everett
Blunt	Cole	Feeney
Boehner	Collins	Ferguson
Bonilla	Combest	Flake
Bonner	Conyers	Fletcher
Bono	Costello	Foley
Boozman	Cox	Forbes
Boswell	Cramer	Fossella
Boucher	Crane	Franks (AZ)
Bradley (NH)	Crenshaw	Frost
Brady (PA)	Crowley	Galleghy
Brady (TX)	Cubin	Garrett (NJ)
Brown (SC)	Culberson	Gibbons
Brown, Corrine	Cummings	Gillmor
Brown-Waite,	Cunningham	Gingrey
Ginny	Davis (AL)	Gonzalez
Burgess	Davis (TN)	Goode

Goodlatte	Matheson	Ross
Gordon	McCotter	Royce
Goss	McCrery	Ruppersberger
Granger	McHugh	Rush
Graves	McIntyre	Ryan (WI)
Green (TX)	McKeon	Ryun (KS)
Green (WI)	Meek (FL)	Sandlin
Gutknecht	Meeks (NY)	Schrock
Hall	Mica	Scott (GA)
Harris	Miller (FL)	Scott (VA)
Hart	Miller (MI)	Sensenbrenner
Hastings (WA)	Miller, Gary	Sessions
Hayes	Mollohan	Shadegg
Hayworth	Moore	Shaw
Hensarling	Moran (KS)	Sherwood
Herger	Murphy	Shimkus
Hinojosa	Murtha	Shuster
Hobson	Musgrave	Simmons
Hoekstra	Myrick	Simpson
Holden	Nethercutt	Skelton
Hostettler	Ney	Smith (MI)
Hoyer	Northup	Smith (TX)
Hulshof	Norwood	Souder
Hunter	Nunes	Stearns
Hyde	Nussle	Stenholm
Isakson	Ortiz	Strickland
Issa	Osborne	Stupak
Istook	Ose	Sullivan
Jackson-Lee	Otter	Sweeney
(TX)	Oxley	Tancredo
Janklow	Pastor	Tanner
Jefferson	Pearce	Tauzin
Jenkins	Pence	Taylor (NC)
John	Peterson (MN)	Terry
Johnson, Sam	Peterson (PA)	Thomas
Jones (NC)	Petri	Thompson (MS)
Jones (OH)	Pickering	Thornberry
Kanjorski	Pitts	Tiahrt
Keller	Pombo	Tiberi
Kennedy (MN)	Pomeroy	Toomey
Kildee	Porter	Towns
Kilpatrick	Portman	Turner (OH)
King (IA)	Pryce (OH)	Turner (TX)
Kingston	Putnam	Upton
Kline	Quinn	Visclosky
Knollenberg	Radanovich	Vitter
Kolbe	Rahall	Walden (OR)
Latham	Regula	Walsh
Levin	Rehberg	Wamp
Lewis (CA)	Renzi	Weldon (FL)
Lewis (KY)	Reyes	Weller
Linder	Rodriguez	Whitfield
Lucas (KY)	Rogers (AL)	Wicker
Lucas (OK)	Rogers (KY)	Wilson (NM)
Majette	Rogers (MI)	Wilson (SC)
Manzullo	Rohrabacher	Wolf
Marshall	Ros-Lehtinen	Young (AK)

## NOT VOTING—4

Gephardt  
Houghton  
McCarthy (MO)  
Paul

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. PENCE) (during the vote). Members are reminded there are 2 minutes remaining on this vote.

## □ 1847

Messrs. CULBERSON, SIMMONS, MEEKS of New York, BISHOP of Utah, EDWARDS, BACHUS, MEEK of Florida, THOMPSON of Mississippi, RUSH, KANJORSKI, and Mrs. MYRICK changed their vote from “aye” to “no.” Mrs. KELLY, Mr. EVANS, and Ms. WATERS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

## AMENDMENT NO. 2 OFFERED BY MR. DINGELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 2 of-

fered by the gentleman from Michigan (Mr. DINGELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 237, not voting 4, as follows:

## [Roll No. 133]

## AYES—193

Abercrombie	Hastings (FL)	Oberstar
Ackerman	Hefley	Obey
Allen	Hill	Olver
Andrews	Hinchee	Owens
Baca	Hoefel	Pallone
Baird	Holt	Pascrell
Baldwin	Honda	Pastor
Ballance	Hoolley (OR)	Payne
Becerra	Hoyer	Pelosi
Berkley	Hulshof	Peterson (MN)
Berman	Insee	Petri
Berry	Israel	Pomeroy
Bishop (NY)	Jackson (IL)	Price (NC)
Blackburn	Jackson-Lee	Rahall
Blumenauer	(TX)	Rangel
Boucher	Janklow	Reyes
Brady (PA)	Jenkins	Rodriguez
Brown (OH)	Johnson, E. B.	Ross
Brown, Corrine	Jones (OH)	Rothman
Capps	Kaptur	Roybal-Allard
Capuano	Kennedy (RI)	Ruppersberger
Cardin	Kildee	Rush
Cardoza	Kilpatrick	Ryan (OH)
Carson (IN)	Kind	Sabo
Carson (OK)	Kleczka	Sanchez, Linda T.
Case	Kucinich	Sanchez, Loretta
Clay	Langevin	T. Sanders
Clyburn	Lantos	Saxton
Cole	Larsen (WA)	Schakowsky
Conyers	Larson (CT)	Schiff
Cooper	Leach	Scott (VA)
Costello	Lee	Sensenbrenner
Crowley	Levin	Serrano
Cummings	Lewis (GA)	Shays
Davis (CA)	Lipinski	Sherman
Davis (FL)	LoBiondo	Skelton
Davis (IL)	Lofgren	Slaughter
Davis (TN)	Lowe	Smith (NJ)
DeFazio	Lucas (KY)	Smith (WA)
DeGette	Lucas (OK)	Snyder
Delahunt	Lynch	Solis
DeLauro	Maloney	Spratt
Deutsch	Markey	Stark
Dicks	Marshall	Strickland
Dingell	Matheson	Stupak
Doggett	Matsui	Tanner
Duncan	McCarthy (NY)	Tauscher
Emanuel	McCollum	Thompson (CA)
Emerson	McDermott	Thompson (MS)
Engel	McGovern	Tierney
Eshoo	McIntyre	Udall (CO)
Etheridge	McNulty	Udall (NM)
Evans	Meehan	Van Hollen
Farr	Meek (FL)	Velazquez
Fattah	Menendez	Wamp
Filner	Michaud	Waters
Ford	Millender-	Watson
Frank (MA)	McDonald	Watt
Gilchrest	Miller (NC)	Waxman
Gonzalez	Miller, George	Weiner
Goode	Moran (KS)	Wexler
Gordon	Moran (VA)	Woolsey
Graves	Nadler	Wu
Grijalva	Napolitano	
Gutierrez	Neal (MA)	
Harman	Ney	

## NOES—237

Aderholt	Barrett (SC)	Bereuter
Akin	Bartlett (MD)	Biggert
Alexander	Barton (TX)	Bilirakis
Bachus	Bass	Bishop (GA)
Baker	Beauprez	Bishop (UT)
Ballenger	Bell	Blunt

Boehlert	Green (WI)	Pence
Boehner	Greenwood	Peterson (PA)
Bonilla	Gutknecht	Pickering
Bonner	Hall	Pitts
Bono	Harris	Platts
Boozman	Hart	Pombo
Boswell	Hastings (WA)	Porter
Boyd	Hayes	Portman
Bradley (NH)	Hayworth	Pryce (OH)
Brady (TX)	Hensarling	Putnam
Brown (SC)	Herger	Quinn
Brown-Waite,	Hinojosa	Radanovich
Ginny	Hobson	Ramstad
Burgess	Hoekstra	Regula
Burns	Holden	Rehberg
Burr	Hostettler	Renzi
Burton (IN)	Hunter	Reynolds
Buyer	Hyde	Rogers (AL)
Calvert	Isakson	Rogers (KY)
Camp	Issa	Rogers (MI)
Cannon	Istook	Rohrabacher
Cantor	Jefferson	Ros-Lehtinen
Capito	John	Royce
Carter	Johnson (CT)	Ryan (WI)
Castle	Johnson (IL)	Ryun (KS)
Chabot	Johnson, Sam	Sandlin
Chocola	Jones (NC)	Schrock
Coble	Kanjorski	Scott (GA)
Collins	Keller	Sessions
Combest	Kelly	Shadegg
Cox	Kennedy (MN)	Shaw
Cramer	King (IA)	Sherwood
Crane	King (NY)	Shimkus
Crenshaw	Kingston	Shuster
Cubin	Kirk	Simmons
Culberson	Kline	Simpson
Cunningham	Knollenberg	Smith (MI)
Davis (AL)	Kolbe	Smith (TX)
Davis, Jo Ann	LaHood	Souder
Davis, Tom	Lampson	Stearns
Deal (GA)	Latham	Stenholm
DeLay	LaTourette	Sullivan
DeMint	Lewis (CA)	Sweeney
Diaz-Balart, L.	Lewis (KY)	Tancredo
Diaz-Balart, M.	Linder	Tauzin
Dooley (CA)	Majette	Taylor (MS)
Doolittle	Manzullo	Taylor (NC)
Doyle	McCotter	Terry
Dreier	McCrery	Thomas
Dunn	McHugh	Thornberry
Edwards	McInnis	Tiahrt
Ehlers	McKeon	Tiberi
English	Meeks (NY)	Toomey
Everett	Mica	Towns
Feeney	Miller (FL)	Turner (OH)
Ferguson	Miller (MI)	Turner (TX)
Flake	Miller, Gary	Upton
Fletcher	Mollohan	Visclosky
Foley	Moore	Vitter
Forbes	Murphy	Walden (OR)
Fossella	Murtha	Walsh
Franks (AZ)	Musgrave	Walden (FL)
Frelinghuysen	Myrick	Weldon (PA)
Frost	Nethercutt	Weller
Gallely	Northup	Whitfield
Garrett (NJ)	Norwood	Wicker
Gerlach	Nunes	Wilson (NM)
Gibbons	Nussle	Wilson (SC)
Gillmor	Ortiz	Wolf
Gingrey	Osborne	Wynn
Goodlatte	Ose	Young (AK)
Goss	Otter	Young (FL)
Granger	Oxley	
Green (TX)	Pearce	

## NOT VOTING—4

Gephardt	McCarthy (MO)
Houghton	Paul

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised that there are 30 seconds remaining on this vote.

□ 1855

Mrs. BLACKBURN changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MRS. WILSON OF NEW MEXICO

The CHAIRMAN pro tempore. The pending business is the demand for a

recorded vote on amendment No. 3 offered by the gentlewoman from New Mexico (Mrs. WILSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 202, not voting 6, as follows:

[Roll No. 134]

## AYES—226

Abercrombie	Forbes	Northup
Aderholt	Fossella	Norwood
Baca	Franks (AZ)	Nussle
Bachus	Gallely	Ortiz
Baker	Gibbons	Osborne
Ballenger	Gillmor	Ose
Barrett (SC)	Gingrey	Otter
Barton (TX)	Goode	Pearce
Beauprez	Goodlatte	Pence
Bereuter	Goss	Peterson (MN)
Berry	Granger	Peterson (PA)
Biggett	Graves	Pickering
Bilirakis	Green (TX)	Pitts
Bishop (GA)	Green (WI)	Platts
Bishop (UT)	Gutknecht	Pombo
Blackburn	Harris	Porter
Blunt	Hart	Portman
Boehner	Hastings (WA)	Pryce (OH)
Bonilla	Hayes	Putnam
Bonner	Hayworth	Quinn
Bono	Hefley	Radanovich
Boozman	Hensarling	Regula
Boyd	Herger	Rehberg
Brady (PA)	Hinojosa	Renzi
Brady (TX)	Hobson	Reyes
Brown (SC)	Hoekstra	Reynolds
Brown-Waite,	Hulshof	Rodriguez
Ginny	Hunter	Rogers (AL)
Burgess	Hyde	Rogers (KY)
Burns	Isakson	Rogers (MI)
Burr	Issa	Rohrabacher
Burton (IN)	Istook	Ros-Lehtinen
Buyer	Janklow	Ross
Calvert	Jenkins	Royce
Cannon	John	Ryan (WI)
Cantor	Johnson, Sam	Ryun (KS)
Capito	Jones (NC)	Sandlin
Carson (OK)	Kanjorski	Schrock
Carter	Keller	Sensenbrenner
Chabot	Kelly	Sessions
Chocola	Kennedy (MN)	Shadegg
Coble	King (NY)	Shaw
Cole	Kingston	Sherwood
Collins	Kline	Shimkus
Combest	Knollenberg	Shuster
Cox	Kolbe	Simpson
Cramer	LaHood	Skelton
Crane	Latham	Smith (MI)
Crenshaw	LaTourette	Smith (TX)
Cubin	Lewis (CA)	Souder
Culberson	Lewis (KY)	Stearns
Cunningham	Linder	Stenholm
Davis, Jo Ann	Lucas (KY)	Sullivan
Davis, Tom	Lucas (OK)	Sweeney
Deal (GA)	Manzullo	Tancredo
DeLay	Marshall	Tanner
DeMint	McCotter	Tauzin
Diaz-Balart, L.	McCrery	Taylor (MS)
Diaz-Balart, M.	McHugh	Taylor (NC)
Dooley (CA)	McInnis	Terry
Doolittle	McKeon	Thomas
Dreier	Mica	Thornberry
Dunn	Miller (FL)	Tiahrt
Edwards	Miller (MI)	Tiberi
Ehlers	Miller, Gary	Toomey
Emerson	Mollohan	Towns
English	Moran (KS)	Turner (OH)
Everett	Murphy	Turner (TX)
Feeney	Murtha	Upton
Flake	Musgrave	Vitter
Fletcher	Myrick	Walden (OR)
Foley	Nethercutt	Wamp
	Ney	Weldon (FL)

Weldon (PA)
Weller
Whitfield

Wilson (NM)
Wilson (SC)
Wolf

Young (AK)
Young (FL)

## NOES—202

Ackerman	Gutierrez	Napolitano
Akin	Hall	Neal (MA)
Alexander	Harman	Nunes
Allen	Hastings (FL)	Oberstar
Andrews	Hill	Obey
Baird	Hinchey	Olver
Baldwin	Hoefel	Owens
Ballance	Holden	Oxley
Bartlett (MD)	Holt	Pallone
Bass	Honda	Pascarell
Becerra	Hoolley (OR)	Pastor
Bell	Hostettler	Payne
Berkley	Hoyer	Pelosi
Berman	Inslee	Petri
Bishop (NY)	Israel	Pomeroy
Blumenauer	Jackson (IL)	Price (NC)
Boehlert	Jackson-Lee	Rahall
Boswell	(TX)	Ramstad
Boucher	Jefferson	Rangel
Bradley (NH)	Johnson (CT)	Rothman
Brown (OH)	Johnson (IL)	Roybal-Allard
Brown, Corrine	Johnson, E. B.	Ruppersberger
Capps	Jones (OH)	Rush
Capuano	Kaptur	Ryan (OH)
Cardin	Kennedy (RI)	Sabo
Cardoza	Kildee	Sanchez, Linda
Carson (IN)	Kilpatrick	T.
Case	Kind	Sanchez, Loretta
Castle	King (IA)	Sanders
Clay	Kirk	Saxton
Clyburn	Kleczka	Schakowsky
Conyers	Kucinich	Schiff
Cooper	Lampson	Scott (GA)
Costello	Langevin	Scott (VA)
Crowley	Lantos	Serrano
Cummings	Larsen (WA)	Shays
Davis (AL)	Larson (CT)	Sherman
Davis (FL)	Leach	Simmons
Davis (IL)	Lee	Slaughter
Davis (TN)	Levin	Smith (NJ)
DeFazio	Lewis (GA)	Smith (WA)
DeGette	Lipinski	Snyder
DeLauro	LoBiondo	Solis
Deutsch	Lofgren	Spratt
Dicks	Lowey	Stark
Dingell	Lynch	Strickland
Doggett	Majette	Stupak
Doyle	Maloney	Tauscher
Duncan	Markey	Thompson (CA)
Emanuel	Matheson	Thompson (MS)
Engel	Matsui	Tierney
Eshoo	McCarthy (NY)	Udall (CO)
Etheridge	McColum	Udall (NM)
Evans	McDermott	Van Hollen
Farr	McGovern	Velazquez
Fattah	McIntyre	Walsh
Ferguson	McNulty	Waters
Filner	Meehan	Watson
Frank (MA)	Meek (FL)	Watt
Frelinghuysen	Meeks (NY)	Waxman
Frost	Menendez	Weiner
Garrett (NJ)	Michaud	Wexler
Gerlach	Millender-	Wicker
Gilchrest	McDonald	Woolsey
Gonzalez	Miller (NC)	Wu
Gordon	Miller, George	Wynn
Greenwood	Moore	
Grijalva	Moran (VA)	
	Nadler	

## NOT VOTING—6

Delahunt	Gephardt	McCarthy (MO)
Ford	Houghton	Paul

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. PENCE) (during the reading). The Chair will remind Members that there are 2 minutes remaining in this vote.

□ 1902

Mr. PASTOR changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FORD. Mr. Chairman, on rollcall No. 134, had I been present, I would have voted “no.”

The CHAIRMAN pro tempore (Mr. BEREUTER). It is now in order to consider amendment No. 5 printed in House Report 108-69.

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN pro tempore. The Clerk will designate amendment No. 5.

The text of amendment No. 5 is as follows:

Amendment No. 5 offered by Mr. MARKEY:

In division C, strike title IV.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON) so she may control those 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Markey-Johnson amendment, which would protect the pristine area that was originally set aside by that radical Republican environmentalist, Dwight David Eisenhower. This amendment would protect ANWR by simply striking the sections of H.R. 6 that would open the area to drilling. It is that simple.

We can have lots of spirited debate about the science and impact of drilling and other essential matters related to this issue, but I will leave that to others. For me, this is an issue of fundamental principle: what right do we have as human beings, and what sense does it make as a Nation, to open a pristine area to oil drilling when we are not willing to take the simplest, easiest steps to conserve oil?

Raising CAFE standards would have been the only truly significant conservation measure in this bill. By doing so, more oil would be saved quicker than even the most optimistic projections of economically recoverable oil from ANWR. As a friend of mine likes to say, go figure.

Opening ANWR without any consideration of taking serious conservation steps is simply irresponsible. We are denying future generations a wilderness because we refuse to take painless steps to control our own generation's appetite for oil. I do not know when that kind of thinking became conservative, but I do know for eons that kind of gluttony has been considered wrong.

The proponents of drilling add insult to injury with their spurious argu-

ments in favor of drilling. It is only a few thousand acres, they say. That is like saying, do not worry, the tumor is only in your lungs. The drilling will have impacts that will affect wildlife throughout the area.

The proponents say the drilling in Prudhoe Bay has seen no ill environmental effects; but in reality, some of the largest environmental fines in history have been paid because of damage in the Prudhoe Bay and the open-for-business north slopes, \$22 million since 1999 alone.

Mr. POMBO. Mr. Chairman, I rise to claim time in opposition.

The CHAIRMAN pro tempore. The gentleman from California (Mr. POMBO) is recognized for the time in opposition.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG), whose district ANWR is in.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding time to me. The gentleman from California (Mr. POMBO) is a great committee chairman.

One thing that bothers me the most, the gentleman from Massachusetts (Mr. MARKEY) has never been to ANWR, the gentlewoman from Connecticut (Mrs. JOHNSON) has never been to ANWR, the gentleman from New York (Mr. BOEHLERT) has never been to ANWR. They do not know what they are talking about, period. They are literally taking scripted messages from certain interest groups, that is all they are doing, and mimicking their words.

My people, my people the Kaktovik, they want this drilling. The Eskimos that live there want this drilling. They have seen what has happened in Prudhoe Bay, which has in fact increased the population of the caribou, increased the game population overall.

We can do this safely. To have people sit on this floor, because it is supposed to be the hall of the people, the Representatives of the people, to speak about something they know nothing about is, frankly, very disturbing to me.

I am one of these few people who understand one thing: this is a form of representative government. The gentleman from Massachusetts (Mr. MARKEY) did not go. He had an opportunity to go up and listen to the people, my people, many people who were guaranteed 92,000 acres by this body, and they had it for their social and economic well-being; and you are telling them they cannot in fact drill on their own land. Shame on you.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I strongly support the Markey-Johnson amendment. In my view, the potential benefits to drilling in the Arctic National Wildlife Refuge are greatly outweighed by the loss.

The Congressional Budget Office estimates that only 2.5 billion barrels of oil are economically recoverable from the refuge. That is less than a fourth of what proponents of drilling claim, and about what the U.S. consumes in 4 months. It is not simply worth trading the possibility of 4 months of energy for the loss of crucial breeding and migratory habitat of more than 200 animal species and over 130 species of birds.

Nevertheless, this legislation allows drilling in the Arctic National Wildlife Refuge, which reflects an utter disregard for the preservation of America's last remaining untouched wilderness. To believe that we could drill in ANWR without causing irreversible environmental damage is foolish.

This bill contains no true environmental protections for the refuge, and this amendment would provide that environmental protection. I urge my colleagues to support it.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

(Mr. REHBERG asked and was given permission to revise and extend his remarks.)

Mr. REHBERG. Mr. Chairman, I was a staffer on the Committee on Resources 20 years ago when the distinguished gentleman from Massachusetts (Mr. MARKEY) was making the same tired arguments. Here we are 20 years later, still without an energy policy.

Over the course of those years, my colleague, the gentleman from Massachusetts, has yet to visit either ANWR. That is right, I said either ANWR. Why? Because there are really two ANWRs, the one the authors of this amendment like to talk about, and the one that is actually at issue when we talk about energy development.

To illustrate this, I would like to highlight the testimony of the mayor of the borough that includes ANWR, testimony that my friend, the gentleman from Massachusetts, would have heard if he had taken the time to go up to Alaska last Saturday, as we did.

Testifying as to the two ANWRs, the mayor said:

"The first ANWR is beautiful mountain scenery that seems to go on forever. It is a world of wildlife, a refuge from the noise and disruption of human community. You are here in the second ANWR. It is tundra, an old military site, and Eskimos who have lived and hunted and survived around here for thousands of years. You won't see this ANWR on Sierra Club posters. That is because it is not really a refuge, it is a land of many uses.

"This is Eskimo country. It has a thriving village whose residents work at local jobs and hunt for caribou, whales, and all the other animal species that have always sustained our people. The Sierra Club would probably be happier if they would stop hunting and fishing; but we would be happier if they would stop floating down all the

rivers in ANWR disrupting the wildlife that we depend on. But we can all get along if we acknowledge two ANWRs and allow both to exist."

Mr. Chairman, that is the issue here. There are two ANWRs, the one the environmentalists like to raise money on, and the one that is part of a balanced energy plan that we are debating here today.

This amendment is intellectually dishonest. The sponsors speak of the first ANWR as justification for their amendment, yet ignore the fact that it really applies to the second ANWR. I would support it if it only applies to the first, but it does not.

I urge defeat of this amendment and urge my colleagues to take the mayor's advice and consider both ANWRs when casting their vote.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in support of this amendment.

California is the most diversified, the biggest user of energy. Why did we get there? Because we said no to the oil companies, we said no to offshore drilling, we said no to more drilling, because we said yes to developing alternative energy. We developed alternative energy in wind and solar, in geothermal and biomass.

Guess what, we have private venture capital. We attracted America's brightest to develop alternative energy.

The only way we are going to solve our energy problems is to get off our addiction to oil. With the thinking on ANWR, they would drill right here in the Capitol if there was oil under this building.

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Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself 2¼ minutes.

Mr. Chairman, today's vote really is about our values, the ability to balance the value we place on critical environmental resources, unique ecosystems supporting literally hundreds of thousands of species of animals, birds and fishes, and the value we place on a little more oil. Choices must be made and there are good alternatives to the small amount of economically recoverable oil in the refuge. But there are no alternatives for those who depend on its ecosystem, nor for the refuge as a unique national natural resource.

Alternatives? You bet there are alternatives. In the Alaska National Petroleum Reserve area, there are over 50 million undeveloped acres available for oil drilling. There is a proposed notice of sale for 9.8 million acres in the Beaufort Sea. The State of Alaska is planning to hold annual lease sales covering 14.1 million acres of land. I could go on with a long list, but I do not have time.

In addition to all these undeveloped lands available for drilling in Alaska and that region, there are also alternative sources of energy. Fuel cells. There are new technologies that would

give us more miles per gallon. That are excellent alternatives to drilling in this pristine area. There are no alternatives to preserving the ecological vitality and integrity of this region.

In that area, can you imagine what it will take, the roads it will take, the drilling pads it will take to support drilling rigs weighing 2.2 million pounds? You cannot just build a little old road across a grass field. You have got to get tons and tons of gravel in there. You have got to get support for that level of equipment. These are big outfits. They take a lot of people to support. They take a lot of pipelines to deliver the oil. And, ironically, there is not enough available water in this area to feed the kind of road building that would be necessary.

So there is not even the infrastructure to make good on the promise of oil that those who would develop this area promise. Yet, taking that water will destroy the ecosystems dramatically across the board throughout the region.

So there can be no compromise. Oppose drilling in the ANWR.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Chairman, do not take the word of a Congressman who visited the North Slope for the last 3 days. Take the words of Herman Aishana, a whaling captain who serves on the Kaktovik City Council and is the former mayor. We have got Members of Congress calling this area a pristine untouched wilderness. His words, No matter how blind, no matter what anyone wants to call it, this country is hardly a wilderness and will never be a wilderness.

These people of Kaktovik have developed a relationship of trust of over 20 years with these energy companies. We take their land from them, we give it back to them as a gift. But we do not give them back the resources that they need to sustain themselves to build their economy. Do not lock up the people of Kaktovik. Do not lock them up on a reservation. Give them the resources that they need to sustain themselves.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment, and in doing so, I would like to take a moment of personal privilege and speak about my father, Morris Udall, who served in this body for 30 years with many of us here today. And there have been suggestions in the Committee on Resources that Mo Udall, were he alive today, would vote against the Markey amendment. I would tell you that I believe he would vote for the amendment today.

In 1980, my father opposed drilling in the refuge. I believe he would oppose drilling today, but he would say the real issue is not the past. It is the future. He lived by the credo that we do not inherit the Earth from our parents, but we borrow it from our children. And he would say we are gambling with our children's inheritance.

The odds are not good and the stakes are too high. We should not gamble with the heart of the refuge for a few months of oil. We have better alternatives and we should leave our children with some choices about how they use their inheritance. That is why I urge a "yes" vote on Markey-Johnson.

Mr. Chairman, I strongly support this amendment.

On the question of whether to open the coastal plain, Congress is being asked to gamble on finding oil there. So, we first must decide what stakes we are willing to risk, and then weigh the odds.

The stakes are the coastal plain. The U.S. Fish and Wildlife Service says it "is critically important to the ecological integrity of the whole Arctic Refuge" which is "America's finest example of an intact, naturally functioning community of arctic/subarctic ecosystems."

What are the odds? Well, the best estimate is by the U.S. Geological Survey (USGS). In 1998 they estimated that if the price of oil drops to less than \$16 per barrel (as it did a few years ago) there would be no economically recoverable oil in the coastal plain. At \$24 per barrel, USGS estimated there is a 95 percent chance of finding 1.9 billion barrels of economically recoverable oil in the refuge's coastal plain and a 50 percent chance of finding 5.3 billion barrels.

But Americans use 19 million barrels of oil each day, or 7 billion barrels of oil per year. So, USGS is saying that at \$24 per barrel, there is a 50 percent chance of finding several months' supply of oil in the coastal plain.

There is one 100 percent sure bet—drilling will change everything on the coastal plain forever. It will never be wilderness again. We do not need to take that bet. There are less-sensitive places to drill—and even better alternatives, including conserving energy and more use of renewable resources.

For example, fuel-efficiency standards for new cars and light trucks could feasibly be raised to more than 40 miles per gallon by 2010. Experts estimate that alone would save 10 times as much oil as would likely be extracted from the Arctic refuge over the next 30 years.

In short, when it comes to drilling in the Arctic National Wildlife Refuge, I think that the stakes are too high and the odds are too long—especially since we have better options. So I do not support it.

For the benefit of our colleagues, I am attaching excerpts from an article in *Foreign Affairs* by two Coloradans—Amory R. Lovins and L. Hunter Lovins.

Founders and leaders of the Rocky Mountain Institute, they are recognized experts on energy issues.

The article, entitled "Fool's Gold in Alaska," clearly shows that drilling for oil on the coastal plain does not make sense in terms of economics, national security, or environmental protection. As they put it, "Drilling for refuge oil is a risk the nation should consider taking

only if no other choice is possible. But other choices abound."

We should opt for those other choices by adopting this amendment.

Here are key excerpts from the article I mentioned:

[From Foreign Affairs, July/August 2001]

FOOL'S GOLD IN ALASKA

(By Amory B. Lovins and L. Hunter Lovins)

THE BOTTOM OF THE BARREL?

Oil prices have fluctuated randomly for well over a century. Heedless of this fact, oil's promoters are always offering opportunities that could make money—but on the flawed assumption that high prices will prevail.

Leading the field of these optimists are Alaskan politicians. Eager to keep funding their state's de facto negative income tax—oil provides 80 percent of the state's unrestricted general revenue—they have used every major rise in oil prices since 1973 to advocate drilling beneath federal lands on the coastal plain of the Arctic National Wildlife Refuge. Just as predictably, environmentalists counter that the refuge is the crown jewel of the American wilderness and home to the threatened indigenous Gwich'in people. As some see it, drilling could raise human rights issues under international law. Canada, which shares threatened wildlife, also opposes drilling.

Both sides of this debate have largely overlooked the central question: Does drilling for oil in the refuge's coastal plain make sense for economic and security reasons? After all, three imperatives should shape a national energy policy: economic vitality, secure supplies, and environmental quality. To merit serious consideration, a proposal must meet at least one of these goals.

Drilling proponents claim that prospecting for refuge oil will enhance the first two while not unduly harming the third. In fact, not only does refuge oil fail to meet any of the three goals, it could even compromise the first two.

First, the refuge is unlikely to hold economically recoverable oil. And even if it did, exploitation would only briefly reduce U.S. dependence on imported oil by just a few percentage points, starting in about a decade. Nor would the refuge yield significant natural gas. Despite some recent statements by the Bush administration, the North Slope's important natural-gas deposits are almost entirely outside the refuge. The gas-rich areas are already open to industry, and environmentalists would likely support a gas pipeline there, but its high cost—an estimated \$10 billion—would make it seem uneconomical.

Furthermore, those who suppose that any domestic oil is more secure than imported oil should remember that oil reserves almost anywhere else on earth are more accessible and more reliably deliverable than those above the Arctic Circle. Importing oil in tankers from the highly diversified world market is arguably better for energy security than delivering refuge oil to other U.S. states through one vulnerable conduit, the Trans-Alaska Pipeline System.

Increase energy productivity now delivers two-fifths of all U.S. energy services and is also the fastest-growing "source." (Abroad, renewable energy supply is growing even faster; it is expected to generate 22 percent of the European Union's electricity by 2010.) Efficient energy use often yields after-tax returns of 100 to 200 percent on investment. Its frequent fringe benefits are even more valuable . . .

Efficiency also has major policy advantages. It is here and now, not a decade away. It improves the environment and protects the earth's climate. It is fully secure, already delivered to customers, and immune to foreign potentates and volatile markets. It is rapidly and equitably deployable in the market. It supports jobs all over the United States rather than few firms in one state.

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A BARREL SAVED, A BARREL EARNED

If oil were found and profitably extracted from the refuge, its expected peak output would equal for a few years about one percent of the world oil market. Senator Frank Murkowski (R-Alaska) has claimed that merely announcing refuge leasing would bring down world oil prices. Yet even a giant Alaskan discovery several times larger than the refuge would not stabilize world oil markets. Oil prices reached their all-time high, for example, just as such a huge field, in Alaska's Prudhoe Bay, neared its maximum output. Only energy efficiency can stabilize oil prices—as well as sink them. And only a tiny fraction of the vast untapped efficiency gains is needed to do so.

What could the refuge actually produce under optimal conditions? Starting about ten years from now, if oil prices did stay around \$22 per barrel, if Congress approved the project, and if the refuge yielded the USGS's mean estimate of about 3.2 billion barrels of profitable oil, the 30-year output would average a modest 292,000 barrels of crude oil a day. (This estimate also assumes that such oil would feed U.S. refineries rather than go to Asian markets, as some Alaskan oil did in 1996–2000.) Once refined, that amount would yield 156,000 barrels of gasoline per day—enough to run 2 percent of American cars and light trucks. That much gasoline could be saved if light vehicles became 0.4 mpg more efficient. Compare that feat to the one achieved in 1979–85, when new light vehicles on average gained 0.4 mpg every 5 months.

Equipping cars with replacement tires as efficient as the original ones would save consumers several "refuges" full of crude oil. Installing superinsulating windows could save even more oil and natural gas while making buildings more comfortable and cheaper to construct. A combination of all the main efficiency options available in 1989 could save today the equivalent of 54 "refuges"—but at a sixth of the cost. New technologies for saving energy are being found faster than the old ones are being used up—just like new technologies for finding and extracting oil, only faster. As gains in energy efficiency continue to outpace oil depletion, oil will probably become uncompetitive even at low prices before it becomes unavailable even at high prices. This is especially likely because the latest efficiency revolution squarely targets oil's main users and its dominant growth market—cars and light trucks—where gasoline savings magnify crude-oil savings by 85 percent.

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As long as the world runs largely on oil, economics dictates a logical priority for displacing it. Efficient use of oil wins hands down on cost, risk, and speed. Costlier options thus incur an opportunity cost. Buying costly refuge oil instead of cheap oil productivity is not simply a bad business decision; it worsens the oil-import problem. Each dollar spent on the costly option of refuge oil could have bought more of the cheap option of efficient use instead. Choosing the expensive option causes more oil to be used and imported than if consumers had bought the efficiency option first. The United States made exactly this mistake when it spent \$200

billion on unneeded (but officially encouraged) nuclear and coal plants in the 1970s and 1980s. The United States now imports oil, produces nuclear waste, and risks global climate instability partly because it bought those assets instead of buying far cheaper energy efficiency.

Drilling for refuge oil is a risk the nation should consider taking only if no other choice is possible. But other choices abound. If three or four percent of all U.S. cars were as efficient at today's popular hybrid models, they would save the equivalent of all the refuge's oil. In all, many tens of times more oil is available—sooner, more surely, and more cheaply—from proven energy efficiency. The cheaper, faster energy alternatives now succeeding in the marketplace are safe, clean, climate-friendly, and overwhelmingly supported by the public. Equally important, they remain profitable at any oil price. They offer economic, security, and environmental benefits rather than costs. If any oil is beneath the refuge, its greatest value just might be in holding up the ground beneath the people and animals that live there.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. NUNES), a new member of the committee.

Mr. NUNES. Mr. Chairman, we had a great opportunity to go up and visit the people of Kaktovik this past week because I wanted to see the differences in the fairy tales that I have heard since I have been here in the United States Congress. And today I want to highlight some of those fairy tales that we have heard today.

We have heard about the Mona Lisa, that the Mona Lisa has a mustache. We have seen maps that have 28 airports on them. We have seen people hold up newspapers that compare the newspaper to the size of Alaska. We have talked about lakes disappearing because of ice roads. And now the biggest fairy tale of all is that we have an amendment offered by people, by Members of this body who have never been to this region, this beautiful region in the United States.

The energy bill that I will vote for tonight is a bill that is an environmentally sound policy that put in preservation 18,998,000 acres.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield the remainder of my time, 45 seconds, to the gentleman from Massachusetts (Mr. MARKEY) for purposes of control.

The CHAIRMAN pro tempore (Mr. BEREUTER). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from the State of California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time. I thank the gentlewoman for offering this amendment along with the gentleman from Massachusetts (Mr. MARKEY).

I have been to Kaktovik. I have been to the North Slope. I have been to the mountains. I have been to the plains. I

have been there in the winter, I have been there in the spring, and I have been there in the summer. And, yes, it is a wilderness area. No, it does not have 200-foot-tall trees. No, it does not have lakes. It does not have a lot of attributes that we consider here in the lower 48, but it is pristine, and it is a wilderness, and it is worth saving.

And it is certainly worth saving when you consider how much energy, how much energy this Nation is prepared to waste under this legislation. If it is so valuable, why are we wasting it? Certainly you would not waste it to go in and invade this wilderness area for this purpose. It simply makes no sense at all.

I have talked to the natives up there. I have talked to the whaling captains. I have been all through their community, and I understand their desire. But this is a national asset. This is not to be determined by the whaling captains. This is not to be determined by the Congressperson from that district.

This is a national asset and it ought to be protected as such. We ought to understand that we do not have an energy policy that is worthy of this.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Chairman, the Mandalay National Wildlife Refuge in Louisiana is a national asset, too, but there are 100 producing wells on it. And the people of California and the people of Massachusetts benefit from the fact that we produce a hundred wells in the Mandalay National Wildlife Refuge, a refuge that is much more abundantly full of resources than ANWR.

What people forget is that inside ANWR, inside the area, 1002, that was designated for drilling, that is what 1002 is; out of this 19-million-acre ANWR, 1002 is the area we set aside for production. And inside it is 92,000 acres of private property. It belongs to the people who live there, and they cannot even produce their resources.

Now, I understand if California does not want to produce or Massachusetts does not want to produce. If they want to depend upon the Mandalay Wildlife Refuge in Louisiana for oil and gas, I can understand that. We make that deal. We produce in Louisiana. We do it in an environmentally sensitive way, and we produce oil and gas for the rest of the country. If we shut down tomorrow, the country is out 25 percent of its oil and 25 percent of its gas. What do you think Massachusetts and California will do then?

But the people of ANWR, 1002, the people who live on the 92,000 acres, want to produce their own private lands and you will not let them. Not government lands, their own private lands, and you will not let them; that is what this amendment does. It says to private property owners in America, the Native Alaskans who live on this private property, you cannot produce

your own property, you cannot produce resources for the rest of the country if you choose to do so.

Well, let me ask a simple question. Do you think the ANWR, the 1002 area where these people live, is any more precious than the Mandalay area in Louisiana? Do you think it deserves more attention, more protection, more sacred status than the Mandalay area, my district in Louisiana?

It does not. It does not. We produce in Louisiana. It is time for the rest of you to do the same thing.

The CHAIRMAN pro tempore. The Chair would state that the gentleman from Massachusetts (Mr. MARKEY) has 2 minutes remaining. The gentleman from California (Mr. POMBO) has 3 minutes remaining.

The gentleman from California has the right to close.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

This is an issue about going to a pristine area in the Arctic and drilling in order to build a pipeline, in order to bring the oil down to California to put it in SUVs that get 12, 13 miles per gallon. The people who propounded this amendment just voted against an amendment that would have increased the fuel economy standards up to 30 miles per gallon for SUVs. Rather than do that, they say to future generations that they would prefer to desecrate this sacred refuge.

Now, I saw a Roll Call about a week ago and the Congressman from Montana's picture was in there. He was a staffer at the time. He had a beard. He had some glasses. He looked a lot younger. I did, too. People change, but there are certain things that should not change. The Arctic Refuge is one of those things. And I think, unless we have a compelling reason not to increase the fuel economy standards of SUVs that we have no right to first go to a pristine wilderness that should be preserved for the next generation.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON) and then we will close.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, in Corsicana, Texas, there is the first commercial oil field of any size outside of the State of Pennsylvania. It is in my district. It began producing oil in the early 1900s. The old Mexia field, the Bryan College Station field, these are all fields that are either in my district or in my old congressional district. They have been producing oil for generations and generations.

In the Bryan College Station field, that field goes through the water table for Bryan College Station. Over 200 producing wells, no environmental problems.

Now, somehow it is okay to produce in those fields in my home State, but it is not okay to produce in ANWR where there are fewer people per square mile than there are various animals. And we

have shown in Prudhoe Bay that the animal habitat actually flourishes with oil production.

I cannot understand why we are opposed to producing between a million and a million and a half barrels a day for 30 years. I would hope we would oppose this amendment.

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MARKEY) has 1 minute remaining.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from the State of Colorado (Mr. UDALL).

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Mr. UDALL of Colorado. Mr. Chairman, I thank my friend from Massachusetts for yielding time to me.

This is about the future, but I think the past is instructive; and I ran across the following from a report in 1978.

The subcommittee, it says, has noted the eloquent statements of a number of prominent Alaskans about the idea of building a pipeline across the coastal plain, and the report quotes the senior Senator from Alaska who told the Council on Environmental Quality, some have appropriately compared the idea with slicing a razor blade across the face of the Mona Lisa.

I am not saying the Senator from Alaska would support this amendment. I am sure he would not, but in the spirit of what Teddy Roosevelt said when he saw the Grand Canyon, "This is God's handiwork; we cannot improve on it," let us let the wildlife refuge be. We cannot improve on it. Support the Markey-Johnson amendment.

Mr. POMBO. Mr. Chairman, I yield myself the remaining time.

This is a difficult amendment. It really is because much of what my colleagues on the left have to say about ANWR I agree with. It is a unique, beautiful area that should be preserved. I absolutely agree with them, and I do not think that that should be part of the debate.

When we look at the north slope of Alaska, an area that is nearly the size of California, nearly 100 million acres and we take ANWR out of that, it is an area that is nearly 20 million acres, about the size of South Carolina. What we are proposing is that we take a very small portion of that 100 million acres, the 20 million that is ANWR, 2,000 acres that would be set aside.

I have been up to the Arctic, and the gentleman from California (Mr. GEORGE MILLER) is right. He has been in the summer and he has been there in the winter, and so have I; and I can tell my colleagues that it is a fascinating place. In the summer it is fascinating, and in the winter it is darn cold; but it is just as fascinating.

I, quite frankly, love it up there. I think it is a beautiful place that deserves the protection of this House and of this Congress. If this amendment were to protect 18,998,000 acres of ANWR, we would have no debate. If this amendment said that we were going to turn most of it into a wilderness area that would be preserved forever, we would have no debate because

what my colleague is doing is he is presenting a false choice. He is telling us in this House and he is telling everybody in America we have to choose between a healthy economy and a healthy environment; we cannot have both. He is setting up a false choice.

I urge my colleagues to reject this amendment, to reject his false choice and support the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I support the Markey/Johnson amendment to prohibit drilling for oil in the Arctic National Wildlife Refuge. I come from Houston, TX, what has been called the energy capital of the world, and I appreciate that oil and fossil fuels deserve much credit for driving our economy and prosperity over the past centuries. I know that oil, and natural gas will continue to play a large role over the next century at meeting our energy needs. However, we all know that fossil fuels are not the wave of the new millennium. We are overly dependent on foreign sources of oil, bought from people that we would prefer not be reliant on.

Some of our colleagues have suggested that the best way to decrease our reliance on foreign oil, is to tap into oil in the Arctic National Wildlife Refuge. As it stands, H.R. 6 will allow such drilling. But that approach is poorly informed and short-sighted.

Our children, especially in inner cities like in my district of Houston, have an epidemic of asthma from breathing smog and polluted air. A better approach to decreasing our need for foreign oil, is to decrease our need for oil, in general. I am pleased with the work we have done in the Science Committee to improve R&D that will lead to the fuels of the future: solar, wind, hydro-, fusion, and hydrogen. Energy companies, like Shell Oil in my district, have realized that the future is not simply about oil. They have started to take advantage of their expertise in energy needs-assessment, production, and distribution, to find ways to make their companies leaders in the alternative and renewable energies market. Why does it sometimes seem that policy makers are more attached to oil, than oil companies are?

No matter how safe we try to be, shipping and pumping oil will occasionally lead to spills and leaks that can have detrimental effects on the environment. There are many areas of the country where oil drilling has been successfully and safely carried out for years. By coupling improved technology for exploring for sources in those regions, to better conservation efforts, we can provide for the needs of the future.

My colleague from Houston, NICK LAMPSON and I introduced a provision in the Science Committee markup last year that provided for an inventory of such safe U.S. oil resources. It will lead to a report by the Secretary of the Interior to the Congress as to the oil and natural gas reserves in waters off the coast of Louisiana and Texas. I am pleased to note that that provision has been expanded in H.R. 6 and will be a part of a comprehensive report on the status of U.S. oil reserves. No matter how we decide to manage our resources in the future, it is important that we take stock and are informed about our options.

Although there are some nations that we would prefer not to be forced to buy oil from, there are other allies overseas who deserve and could use the added revenue and sup-

port. For example, the African continent is thought to have large reserves of untapped oil. If there are environmentally sound means of retrieving that oil, in a way that would serve the people of the area—helping them get critical medical services, water, food, and homes—that would be a worthy pursuit.

What I am saying is that there are many sources both here and abroad, from which we can retrieve oil in a safe way, in order to serve our nation's energy needs during the transition to the fuels of the future. Pumping oil out of one of the most pristine and spectacular pieces of land in the world simply is not necessary.

No matter how large the "footprint" is, the fact is that the sight and sounds of drilling, and the pumping of oil through pipelines, and shipping threatens the vibrant ecosystem in the region and risks disaster. Some say that with new technology, probably, nothing will happen. To me that is like saying, "I am too lazy to insulate my house, so to pay my energy bills, I'll just cancel my children's health insurance plan for a while." Maybe the kids won't get sick, and you'll end up with a few extra dollars in your pocket. But, that does not make it a smart move.

What we would be doing by drilling in ANWR is similar—taking a grave risk with a fragile ecosystem, to provide maybe 6-months worth of oil, about 5 years from now. This is a natural treasure that belongs to our children. I, and the people in my district, who appreciate oil and the energy needs of America, do not feel it is right to take that risk.

I will vote for the Markey-Johnson amendment.

Ms. HARMAN. Mr. Chairman, is there someone here today who can tell me why it is worth destroying forever the remarkable Arctic National Wildlife Refuge for a few months' supply of oil—oil that is a decade away from recovery? Some 95 percent of Alaska's North Slope is already open to oil and gas exploitation.

Is there someone here today who can tell me why it is smarter for this country to exploit ANWR for a minuscule amount of oil than it is to increase CAFE standards and make all vehicles more fuel efficient? A small increase in fuel efficiency creates a large decrease in the amount of oil we import.

Is there anyone here today who can tell me why, at the same time it talks about hydrogen-powered automobiles and fuel cells, this administration is throwing its support behind the big automakers' lawsuit against California's clean car law?

Is there anyone here today who can tell me why it's better to drill in ANWR than it is for this country to promote and invest in clean energy-producing technologies and renewable sources of energy?

True national security is defined by more than staggering military superiority. Our standing in the world is measured by more than our muscle. A healthy planet, clean water and clean air go hand-in-hand with a healthy economy.

This country, the wealthiest and most powerful in history, can and must do more to set an example for the rest of the world. Protecting ANWR is a good start.

Ms. WOOLSEY. Mr. Chairman, Americans realize we should not risk 1.5 million acres of pristine wilderness for a meager, 6-month supply of oil that wouldn't even be available for 10 years.

My constituents in Marin and Sonoma counties are miles from the Arctic Refuge. But there are two easy reasons why we care about land in Alaska.

First, the people I represent believe strongly in respecting and preserving all the world's environment not just for today, but for generations to come.

Second, they know that once we start to let oil interests pilfer the environment in Alaska, the Bush administration and their oil buddies might see the California coast as next.

Mr. Chairman, if we open this door today, even a crack, it will be impossible to close. Oppose drilling in the Arctic Refuge.

Ms. MCCOLLUM. Mr. Chairman, I rise today to strongly oppose any attempt to open the Arctic National Wildlife Refuge to industrial development and encourage my colleagues to support the Markey-Johnson amendment to protect this unique ecosystem, which is unlike any other in the world.

It's outrageous that after 2 years we are here again debating whether to open America's last, untouched landscape. Having visited the refuge, I know firsthand how fragile it really is.

This area is already under stress: global warming is thawing the Refuge's tundra and nearby development pollutes the air.

Yet, this House is debating a bill that would permanently harm Alaska's coastal plain—an irreplaceable wilderness, a home to wildlife that sustains the culture and traditions of Alaska's native people—by allowing oil and natural gas development.

What we should be debating is how to achieve true energy independence. This bill does nothing more than continue our pattern of increasing oil imports and unchecked consumption.

Energy security and more jobs can be achieved if we invest in conservation and research the next generation of energy efficient appliances, homes and automobiles.

Developing homegrown, renewable fuels like ethanol and wind will also provide more long-term benefits for our environment, our economy and our workers.

It's time we end this debate, join with the majority of Americans and start prioritizing our energy future.

Even if we open the Arctic Refuge tomorrow, it won't produce a drop of oil for over a decade. Even then peak production is 20 years away.

We should not be shortsighted. Support the Markey-Johnson amendment today and oppose any attempts to open this fragile tundra to industrial development.

Mr. SHAYS. Mr. Chairman, I rise in strong support of the Markey-Johnson Amendment to protect the Alaska National Wildlife Refuge.

The coastal plain of ANWR is the last major part of the North Slope that has not been developed. Protecting and preserving our splendid natural resources is a patriotic and moral obligation.

In my judgment, it would be far better to develop prudent and lasting alternate fuel energies than to risk irreparable damage to the wilderness of one of North America's most beautiful frontiers. Efforts to drill in ANWR are ill-conceived and will ultimately do little to help achieve a long-term, sustainable, and comprehensive national energy policy.

Mr. Chairman, drilling in the Arctic Refuge is a quick fix, not a sustainable solution.

I urge my colleagues to vote "yes" on the Markey-Johnson amendment.

Mr. CROWLEY. Mr. Chairman, I rise in support of the Markey-Johnson amendment to protect the Arctic National Wildlife Refuge from being sacrificed to the harmful and reckless impact of drilling, logging, and development.

The Arctic Refuge provides a home to millions of animals and migratory birds; it provides subsistence to Native American people in Northeast Alaska; and it provides pristine wilderness for the generations of Americans after us.

Opening up the Arctic Refuge to oil drilling will not significantly reduce our oil imports—in fact, according to the Bush Department of Energy's on data, even when oil production hits its peak the Refuge oil would only reduce American oil imports by 2 percent.

Furthermore, even the oil industry acknowledges that it will take 10 years to develop and delivery oil from the Arctic Refuge.

The bottom line is that more oil production is not the answer to our energy needs—if we are going to address this issue honestly, then we must focus on developing renewable energy resources and energy efficient policies.

The CHAIRMAN pro tempore (Mr. BEREUTER). All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

It is now in order to consider amendment No. 6 printed in House Report 108-69.

AMENDMENT NO. 6 OFFERED BY Mr. VITTER

Mr. VITTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. VITTER:  
After the table of contents, insert the following new section:

**SEC. 2. ENERGY POLICY.**

It is the sense of the Congress that the United States should take all actions necessary in the areas of conservation, efficiency, alternative source, technology development, and domestic production to reduce the United States dependence on foreign energy sources from 58 percent to 45 percent by January 1, 2013.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Louisiana (Mr. VITTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I yield myself such time as I may consume.

This amendment is very simple and straightforward. It stems from an alarming fact which is at the absolute heart of the need for this national energy policy, and what is that fact?

Last year, 58 percent of our oil resources consumed in the U.S. came from foreign sources. How has that changed over time? That is 20 points more than the level of the 1973 Arab oil embargo, and it is a full 10 points more than in 1991 when we fought the first Gulf War.

This amendment addresses that in a simple, straightforward way. It sets a policy. It declares a sense of the Congress that we will establish a specific goal of reducing that number to 45 percent by 2013, 10 years from now.

Again, this goes to the heart of our whole endeavor of creating a balanced national energy policy to achieve real energy independence and to reduce our dependence on foreign sources. We clearly need to explore all options available, conservation, efficiency, alternative sources, technology development, domestic production to achieve that independence; and this will help set an important benchmark to make us do that.

I want to thank the gentleman from Louisiana (Mr. TAUZIN) for his leadership in bringing up a well-balanced bill that addresses all of these options. This bill is the right energy policy and makes the right strides toward reducing that dependency on foreign sources in particular.

Briefly, why 45 percent? Because, number one, it would be significant. It would turn the corner because we are not only at 58 percent, but we are quickly increasing that number over time such that if we do not do something, we will be at two-thirds and over two-thirds in the very near future. Secondly, it is a realistic goal which is absolutely achievable.

Why do we not set this goal as a clear marker to turn the corner to reduce our dependence on foreign sources? Right now, just like the rest of our Nation's fuel, most of the fuel actually used by our military is from foreign sources. That is clearly not smart. That is clearly a danger that we can perceive in wartime, and it is a danger for our general economy even in peacetime.

I look forward to broad-based support of this amendment. I would note that it was included in the previous version of the energy bill which we passed through the House last year.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is there a Member that claims time in opposition?

The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 7 printed in House Report 108-69.

AMENDMENT NO. 7 OFFERED BY Mr. TOM DAVIS  
OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. TOM DAVIS of Virginia:

Page 34, starting on line 12 (in section 11006(f)), strike "the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate" and insert "Congress".

Page 41, line 24 (in the matter proposed to be inserted by section 11010(a) as section 6005(c)(3) of the Solid Waste Disposal Act), strike "the Committee" and all the follows through "Representatives" on page 42, line 4, and insert "Congress".

Page 43, before line 5 (at the end of subtitle A of title I of division A), insert the following new section (and conform the table of contents accordingly):

**SEC. 11011. TELECOMMUTING STUDY.**

(a) STUDY REQUIRED.—The Secretary, in consultation with the Commission, the Director of the Office of Personnel Management, the Administrator of General Services, and the Administrator of NTIA, shall conduct a study of the energy conservation implications of the widespread adoption of telecommuting by Federal employees in the United States.

(b) REQUIRED SUBJECTS OF STUDY.—The study required by subsection (a) shall analyze the following subjects in relation to the energy saving potential of telecommuting by Federal employees:

(1) Reductions of energy use and energy costs in commuting and regular office heating, cooling, and other operations.

(2) Other energy reductions accomplished by telecommuting.

(3) Existing regulatory barriers that hamper telecommuting, including barriers to broadband telecommunications services deployment.

(4) Collateral benefits to the environment, family life, and other values.

(c) REPORT REQUIRED.—The Secretary shall submit to the President and the Congress a report on the study required by this section not later than 6 months after the date of the enactment of this Act. Such report shall include a description of the results of the analysis of each of the subject described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) NTIA.—The term "NTIA" means the National Telecommunications and Information Administration of the Department of Commerce.

(4) TELECOMMUTING.—The term "telecommuting" means the performance of work functions using communications technologies, thereby eliminating or substantially reducing the need to commute to and from traditional work sites.

(5) FEDERAL EMPLOYEE.—The term "Federal employee" has the meaning provided the term "employee" by section 2105 of title 5, United States Code.

Page 182, after line 6 (at the end of subtitle D of title IV of division A), insert the following new section (and conform the table of contents accordingly):

**SEC. 15050. STUDY ON REDUCING PETROLEUM CONSUMPTION.**

(a) IN GENERAL.—The Administrator of General Services, in cooperation with the Secretary of Energy, shall conduct a study to consider the merits of establishing performance measures to guide the reduction of petroleum consumption by Federal fleets.

(b) MATTERS TO BE ADDRESSED.—The study shall assess the feasibility of performance measures—

(1) to enable agency and congressional decisionmakers to establish annual and long-term performance goals to define the level of petroleum consumption reduction to be achieved by Federal fleets;

(2) to improve the effectiveness and accountability of Federal efforts to reduce petroleum consumption and dependency;

(3) to enhance decisionmaking by providing objective information on achieving performance objectives; and

(4) to provide an alternative to the mandated alternative fueled vehicle requirements in section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

(c) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to the Committees on Environment and Public Works and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Reform of the House of Representatives a report on the study.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Chairman, on March 20, the Committee on Government Reform reported out the Federal Government Energy Management Improvement Act, establishing energy efficiency standards and policies for Federal buildings and the Federal fleet of automobiles. The committee, which has primary jurisdiction over Federal procurement policy, Federal property management, including the management of buildings and vehicles and the Federal civil service, marked up this legislation dealing with these issues with the intention that it would be made a part of the comprehensive energy bill.

This amendment being offered by me and the gentleman from California (Mr. WAXMAN), my ranking member on the Committee on Government Reform, improves the comprehensive energy bill by harmonizing the provisions regarding Federal energy efficiency in H.R. 6 with the provisions reported out by the committee.

First of all, our amendment would add a study of the energy conservation implications of the widespread adoption of telecommuting by Federal employees in the United States as a way for the Federal Government to be a leader in energy conservation.

The second thing that our amendment would do is direct the General Services Administration, in cooperation with the Department of Energy, to consider the merits of establishing performance measures to guide the reduction of petroleum consumption by the Federal fleet.

Congress' role should be to decide where the Federal Government should be in terms of energy consumption in

any given year. Then we should give Federal managers as much flexibility as possible to achieve these expectations.

Unfortunately, Congress is too often in the business of dictating how agency managers should accomplish certain performance goals and how they should manage these operations. It is time for Congress to move away from micromanaging the executive branch, and this amendment is an attempt to do just that.

I urge adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim time in opposition?

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though there is no opposition to the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank the gentleman from Virginia for his efforts on this energy bill. It has been a pleasure to work with him on these issues on a bipartisan, collegial basis. Together, we have attempted to seriously examine the Nation's energy policy and provide some commonsense changes that would improve Federal energy management.

The Committee on Government Reform is the committee of jurisdiction for Federal Government management and procurement, and the committee unanimously adopted a bill addressing energy-related Federal management and procurement issues.

In particular, the committee carefully examined the existing programs that are intended to encourage the Federal Government to use alternative fuel vehicles and reduce the use of gasoline. The committee found that the existing program does not work. Agencies are using taxpayers' money to buy vehicles that can run on alternative fuels, but then they are operating them on gasoline, defeating the whole purpose.

Thus, the committee unanimously adopted, and I want to underscore that, unanimously adopted provisions to address this problem by allowing agencies to acquire fuel-efficient hybrid electric vehicles and by creating an incentive for agencies to use alternative fuels.

We also worked out on a bipartisan basis a plan for increasing the use of clean, renewable energy by the Federal Government. Despite the committee's actions, the committee's provisions were not included in the base bill. The gentleman from Virginia (Mr. TOM DAVIS) and I filed these provisions as a floor amendment, but it was not made in order. The amendment that we are now debating contains only a few minor study provisions adopted by the Committee on Government Reform. In other words, this bill is so relentlessly and excusably pro-consumption, pro-

production, pro-exploitation of energy that we are not even allowed to debate bipartisan amendments that would modestly reduce Federal energy consumption.

As offensive as this is, this is only one of many egregious aspects of the procedure we are following today; and as bad as the process is, the substance of this bill is even worse.

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Last Congress I opposed the energy bill because it provided massive subsidies for energy industries and forced our constituents to pay the tab. That bill was offered with a brazen disregard of taxpayers, consumers, the environment, and the real energy needs of this country.

Now, we have seen Enron fall, we have proof of rampant price gouging in the West, and we are in the midst of a war in Iraq. After all this, we are debating an energy bill that is even worse than the last one. I have to wonder if we are really capable of learning from experience.

Once again, this bill is a massive payback to oil and gas, coal, nuclear, and utility industries; and the subsidies in this energy bill are even more skewed toward the energy industry.

This bill is also so laden with environmental giveaways to energy industries. For example, oil and gas companies, such as Halliburton, will get exemptions from the Clean Water Act and the Safe Drinking Water Act. Taxpayers will pick up the cost of refineries' compliance with the Clean Air Act. States and the public will have less input on pipelines that will degrade our coasts. The bill rigs the hydroelectric dam relicensing process against Native Americans, fishermen, farmers, cities, and environmental advocates; and the bill tramples State authority to apply environmental protections in siting transmission lines.

This bill also ignores reality and our real energy needs. We have learned that energy companies have fraudulently price gouged families, yet this bill does not address fraudulent acts. We have learned that oil companies are responsible for polluting critically important sources of drinking water, yet this bill would protect them from the consequences of their actions.

We have learned that energy deregulation can lead to higher prices and declining service, yet this bill pushes deregulation forward, heedless of the risks. We have learned almost daily of new impacts from global warming as icebergs break free and habitats retreat, yet this bill pretends it is not happening.

We have learned that with only 3 percent of the world's oil reserves, the United States can never drill its way to independence from Middle Eastern oil, yet this bill does nothing to meaningfully address our dependence on that oil.

We must wake up. We are at war, and most people believe this war has something to do with oil. After all, Iraq is

the seventh largest oil-producing country, and Saddam's wealth and power come from oil. The weapons that are still killing our young men and women were purchased with oil revenues.

I filed a very simple common-sense amendment to begin to address our dependence on oil. It would direct the administration to reduce waste of oil by the amount that we are importing from Iraq each year. Who could support wasting oil? Well, apparently the majority in this body. They have just voted to drill in the Arctic National Wildlife Refuge, yet the House is not even allowed to debate a proposal to reduce oil waste. This is a bad process and a worse outcome.

As we wage this war in Iraq, we have been largely isolated because of our failed diplomatic efforts. This diplomatic failure did not happen overnight. The foundation was laid when the President rejected the global warming treaty, a priority for most of the world. Subsequent unilateral rejection of the treaty after that treaty, and other treaties after that, only helped to ensure international distrust of the United States.

I offered an amendment expressing the sense of Congress that the United States should reengage in international negotiations on global warming, not accept the Kyoto Protocol, just carry out the promise that President Bush made to pursue an alternative. This language was unanimously accepted yesterday by the Committee on Foreign Relations in the other body, the Senate, but the House does not have the chance to debate a single measure on global warming, even a consensus one with bipartisan support like I proposed.

It is time for us to admit that our foreign policies and our energy policies are not severable. We cannot set the Nation's energy course while ignoring interactions with the rest of the world. This legislation does not represent reality in America today, it represents only the reality of a lobbyist-filled reception room and smoky back rooms here in Washington, D.C.

I will be opposing this energy legislation. I hope other Members will join me in doing so as well. Perhaps if a majority of us reject the energy bill, we can get back to work on meeting the real needs of our country in dealing with trying to break away from our dependence on oil and other energy resources.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume, and I share my friend's regret that his amendment was not made in order. I testified for it at the Committee on Rules. But somewhere in that speech I think was endorsement of the pending amendment; am I correct?

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I certainly support the amendment that the

gentleman and I are being allowed to offer today, even though it is not what we voted out of committee. It is a study resolution. I do not think anybody can object, should object to it or would object to it.

But I wanted to use this opportunity, since I had some time on our side, to express my feelings about the whole energy bill and the process by which this bill is being rammed through the Congress.

Mr. TOM DAVIS of Virginia. Reclaiming my time, Mr. Chairman, I did not want the merits of the amendment to be lost.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to disassociate myself from any of the gentleman's comments except the part where he said he supports the amendment of the gentleman from Virginia, because I do too.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield back the balance of my time, and I ask for adoption of the amendment.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BEREUTER). The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS) will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 108-69.

AMENDMENT NO. 8 OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. OBERSTAR:

Page 43, before line 5, insert the following:  
**SEC. 11011. USE OF PHOTOVOLTAIC ENERGY IN PUBLIC BUILDINGS.**

(a) IN GENERAL.—Subchapter VI of chapter 31 of title 40, United States Code, is amended by adding at the end the following:

**“§3177. Use of photovoltaic energy in public buildings**

“(a) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—

“(1) IN GENERAL.—The Administrator of General Services may establish a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar electric systems for electric production in new and existing public buildings.

“(2) PURPOSES.—The purposes of the program shall be to accomplish the following:

“(A) To accelerate the growth of a commercially viable photovoltaic industry to make this energy system available to the

general public as an option which can reduce the national consumption of fossil fuel.

“(B) To reduce the fossil fuel consumption and costs of the Federal Government.

“(C) To attain the goal of installing solar energy systems in 20,000 Federal buildings by 2010, as contained in the Federal Government's Million Solar Roof Initiative of 1997.

“(D) To stimulate the general use within the Federal Government of life-cycle costing and innovative procurement methods.

“(E) To develop program performance data to support policy decisions on future incentive programs with respect to energy.

“(3) ACQUISITION OF PHOTOVOLTAIC SOLAR ELECTRIC SYSTEMS.—

“(A) IN GENERAL.—The program shall provide for the acquisition of photovoltaic solar electric systems and associated storage capability for use in public buildings.

“(B) ACQUISITION LEVELS.—The acquisition of photovoltaic electric systems shall be at a level substantial enough to allow use of low-cost production techniques with at least 150 megawatts (peak) cumulative acquired during the 5 years of the program.

“(4) ADMINISTRATION.—The Administrator shall administer the program and shall—

“(A) prescribe such rules and regulations as may be appropriate to monitor and assess the performance and operation of photovoltaic solar electric systems installed pursuant to this subsection;

“(B) develop innovative procurement strategies for the acquisition of such systems; and

“(C) transmit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Environment and Public Works of the Senate an annual report on the results of the program.

“(b) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator, in consultation with the Secretary of Energy, shall establish a photovoltaic solar energy systems evaluation program to evaluate such photovoltaic solar energy systems as are required in public buildings.

“(2) PROGRAM REQUIREMENT.—In evaluating photovoltaic solar energy systems under the program, the Administrator shall ensure that such systems reflect the most advanced technology.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—There is authorized to be appropriated to carry out subsection (a) \$210,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.

“(2) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—There is authorized to be appropriated to carry out subsection (b) \$52,700,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.”

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 3176 the following:

“3177. Use of photovoltaic energy in public buildings”.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment for myself and for the gentleman from the District of Columbia (Ms. NORTON). It is to put in place a program of retrofitting Federal Government buildings with photovoltaic cells to generate electricity to operate these Federal buildings.

From the experience that we have gained over previous years, we know that not only can we supply all the electricity for Federal Government office buildings with photovoltaic rays, but also produce extra electricity that can be sold into the power grid and return some investment back to the Federal Government.

This is not a new idea. It was one that I first offered, I would say to my good friend, the chairman of the committee, in 1979. It was enacted and it was put in place at a time when photoelectricity from photovoltaic cells was running about \$1.75 per kilowatt hour.

It is now down to 25 cents per kilowatt hour. With a huge cut in the program, it was literally terminated in the 1980s and into the 1990s. I think now is the time to, with further research, with more efficient cells, to get this program back on track and to save the government a huge amount of energy.

Now, the Federal Government spends \$8 billion a year on utility costs for the 500,000 Federal Government offices that it operates, and we could save a considerable amount of money by retrofitting Federal Government buildings with photovoltaic cells. I have proposed in this amendment \$263 million a year, subject to appropriations over 5 years. That is about equal to the amount we were investing in research and development on renewables in 1979. So this is not a great leap forward, but it is an important step forward.

I realize there may be some question about the total dollar amount per year, and that is a matter that can be subject to further discussion as the bill moves into conference. If the amendment would be acceptable here, perhaps some other number could be reached in conference, provided it is not a drastic reduction, but one that is a reasonable program.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BARTON) is recognized for 10 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume, and I want to say to my good friend, the gentleman from Minnesota (Mr. OBERSTAR), that it is mild opposition. It is not head-in-the-sand opposition, but I have several questions and concerns. I am not going to ask for a rollcall vote. If it passes on a voice vote, we will work this out in conference. But I do want to point out some things.

The bill before us authorizes \$200 million a year for clean coal technology. Coal provides over 50 percent of our electricity. The Oberstar-Norton amendment provides \$262 million a year for solar voltaic energy, which produces about four-tenths of 1 percent of our energy. That seems to me to be a little bit of an imbalance.

On page 2 of the Oberstar amendment it says that the goal would be to install solar energy systems in 20,000 Federal buildings by the year 2010. That is an average of about 50 Federal buildings per congressional district. The only way we are really going to be able to do that is if we solar voltaic almost every post office in this country.

If we go down to the bottom of the page on page 2, it says the total amount of photovoltaic electric energy they hope to generate is 150 megawatt hours. Well, if we take the \$1.3 billion that it would authorize, and admittedly that is an authorization, but if we took that \$1.3 billion, divided it with 150 megawatts, which is the goal, that is a cost of about \$10 million per megawatt, \$10 million. Now, to put that in perspective, a base load coal plant, a base load natural gas plant, even a base load nuclear plant, we are talking \$500 per megawatt. So that we are putting a lot, a lot of money into admittedly a good program.

Solar voltaics is a good program, but as the gentleman indicated, right now the best technology generates photovoltaic energy electricity at about 25 cents a kilowatt. A base station natural gas combined cycle plant generates at about 2 cents per kilowatt. So there are a lot of problems with the specific language in this amendment, but its goal is honorable.

So I am going to work with the gentleman and the gentlewoman from the District of Columbia in conference, but I want the gentleman to know that there are some major, major problems with the specifics in this language. The goal is noble, but the implementation may be somewhat flawed.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), who, I believe, wants to speak in support of the amendment.

Mr. BARTLETT of Maryland. Mr. Chairman, I thank the gentleman for yielding me this time.

The United States has 2 percent of the known reserves of oil in the world. We use 25 percent of the world's oil. We now import 57 percent of what we use compared with 37 percent in 1973, at the Arab oil embargo.

Now, I know that we do not get a lot of our electricity from oil, but energy is fungible and we really have to reduce our reliance on fossil fuels, or the future holds big, big problems for us. Just looking at oil, for instance, there is about 1,000 gigabarrels of oil remaining in the world. That sounds like a lot, a trillion barrels, but we use 20 million barrels a day. The rest of the world uses 60 million barrels a day. The arithmetic is not very tough. That is

about 40 years of known reserves of oil in the world.

Now, we will find more oil, there is no question about that. But there is also no question that we would like to use more oil, and so would those Third World nations who would like to industrialize their countries to do for their people what industrialization has done for our people. So we are going to be very lucky in the future if the additional oil we find matches the additional oil we would like to use.

So we have about 40 years of oil remaining in the world, and that is not forever. We really do need to reduce our dependence on fossil fuels and foreign oil, and this is a very good way.

I have a lot of personal experience with photovoltaics.

□ 2000

I have a vacation property that has 48 60-watt panels at 4kw inverters. It has been there for a number of years. It works flawlessly; and the more we use, the cheaper it will get. The further we go down the curve of pumping oil, the more expensive it will get. It will not be too many years before those curves cross. So this is a good start. It is something that we ought to do. The Federal Government needs to set the right example, and this is doing that. I certainly support the amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, speaking in favor of the amendment, I think one of the reasons we have not moved forward on energy as much as we have is the vision of new technologies is difficult to visualize.

I want to show Members a home located in Loudoun County, Virginia, Hillsboro, Virginia. It is owned by Alden and Carol Hathaway. It was built for a total of \$365,000. It incorporates solar photovoltaic cells in the roof panels, in the shingles themselves. It has an in-ground heat pump, and it is a net zero energy-using home today in Loudoun County, Virginia. During the year, it is zero. It qualifies as a net zero use under energy qualifications, and that is happening today for essentially what it costs to build a house in Loudoun County today.

This is a real thing that is here. It is not some sort a figment of our wild imagination, and the reason this works is a phenomenon the gentleman from Minnesota (Mr. OBERSTAR) has used as the basis for that amendment, and this show the price of solar photovoltaic starting at about \$1 in 1980 per kilowatt, and has continued to decline in a radical reduction in cost down to about 20-25 cents per kilowatt at this time, which is exactly what the gentleman from Texas (Mr. BARTON) stated, and he is always right about these things. That is about where it is today.

But the thing that is important to note is this graph is going to keep going down; and the reason it is going to keep going down is the economies of

scale that allow us to produce units at a lesser price the more of them we make. So we should have confidence that if we increase the demand for photovoltaic cells, this price is going to continue to come down, and there will be more homes like the Hathaways' home in Virginia.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my eyes are getting old and tired. I cannot read the chart of the gentleman from Washington (Mr. INSLEE) from here. At the end of the chart, what are the dollars per megawatt or cents per kilowatt price at the low end of the curve at the right on the photovoltaic?

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, this projection goes to 8 cents per kilowatt hour in this projection. This projection is a little less optimistic than the actual which the solar association predicts.

The solar industry believes that this rate of decrease will be relatively constant because what they explain, because of the economies of scale, largely the price of production is the issue and the cost of solar photovoltaic efficiency. Because when we ramp up our production facilities, we dramatically lessen our costs. I think every time we increase the photovoltaic number of cell units produced by a factor of 10, the price has gone down by a factor of almost 2. That has been relatively consistent.

So they are a little more optimistic than this chart. I think the other thing about photovoltaics, what I think the future is, these are not going to be enormous plants that cover Arizona, but they are going to be more discrete local plugged-in networks that the gentleman from Texas (Mr. BARTON) has shown leadership on to produce this back into the grid. I think we have good opportunities there.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, I could not read the chart; and I am a supporter of solar photovoltaics. I have some concerns about the goals and dollar amounts, but the concept I am very supportive of.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the consideration of the gentleman from Texas (Mr. BARTON). He has raised some legitimate concerns. I think we can resolve those as the bill goes forward.

Ms. NORTON. Mr. Chairman, over 25 years ago, in May 1977, Congressman OBERSTAR testified in front of the Public Buildings Subcommittee, chaired by former Congressman Norman Mineta, our current Secretary of Transportation, about the stark reality of our energy demands.

As everyone knows, a few years earlier, in 1973, the oil embargo had sent shock waves through the nation as energy prices soared. For the first time, with the exception of fuel rationing during World War II, America faced a serious shortage of energy. Long lines formed at the gas pumps and a national maximum speed limit was set at 55 m.p.h. President Nixon ordered the lights on our monuments and public buildings here in Washington turned off to save power and encourage the nation to cut back on its energy consumption. Then, in 1977 we staggered again under the natural gas fuel crisis.

In 1977 President Carter created the Department of Energy by combining the Energy Research and Development Administration (ERDA), the Federal Power Commission, the Federal Energy Administration, and several programs in the Department of Interior. At this time the Federal renewable energy program was enhanced to include basic and applied research and development, and encouraged partnerships with the private sector in demonstration projects.

In developing incentives for the renewable energy program the Federal Government stepped in and created market incentives through a series of residential and business tax credits. It is even more relevant now than it was in 1977 that the Federal Government stimulate not only basic and applied research in alternative energy systems but also encourage the production of such systems.

Encouraged by both the Carter Administration's and Congress's interest in renewable energy and convinced that solar energy provided numerous benefits and cost savings, in June 1977 Congressman OBERSTAR introduced H.R. 7629, a bill to provide for the procurement of advanced photovoltaic energy devices for use in government buildings. The bill became part of a larger bill to establish a comprehensive national energy policy, which became PL 95-619.

Most unfortunately, the Reagan Administration chose not to fund the bill, resulting in not only a lackluster renewable energy program but also a serious deterioration of national focus.

So now, more a quarter century later, we find ourselves still struggling to develop a comprehensive national energy policy. It is in this environment that I join with Ranking Member OBERSTAR to introduce this amendment to H.R. 6—The Energy Policy Act of 2003.

The purpose of the amendment is "to accelerate the growth of a commercially viable photovoltaic industry in order to make this energy system available to the general public. . . ." The Federal Government has used federal procurements as a method of "jump starting" a technology. Procurements for the Department of Defense helped develop integrated circuits. The General Services Administration, using its FTS 2000 telecommunications contract was also successful in promoting advancements and enhancements in telecommunications.

Because of the government's interest in the benefits of solar technology, solar systems are frequently incorporated into the operations of Federal buildings. Just across the Anacostia River, here in the Nation's Capitol, at the Suitland Federal Center the General Services Administration has installed a large PV system to supply electricity for the Federal center. During disaster relief solar power systems

step in quickly to supply efficient, easy to install, mobile power sources.

The amendment authorizes the Administrator of General Services Administration to establish a photovoltaic energy commercialization program for the purchase and installation of photovoltaic solar electric systems for electric production in new and existing Federal facilities. As I mentioned, the purpose of the program is to accelerate the growth of a commercially viable photovoltaic industry, to reduce the fuel consumption of the Federal Government, to stimulate general use within the Federal Government of life cycle costing, and to develop performance data to support policy decisions on future incentive programs.

This is an excellent amendment and I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SWEENEY). The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 9 printed in House Report 108-69.

AMENDMENT NO. 9 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. BROWN of Ohio:

At the end of subtitle E of title II of division A, insert the following new section:

**SEC. 12405. GASOLINE AVAILABILITY STABILIZATION RESERVE.**

(a) ESTABLISHMENT.—

(1) AUTHORITY.—The Secretary shall establish a Gasoline Availability Stabilization Reserve (in this section referred to as the "GAS Reserve") system with a total capacity of 20,000,000 barrels of regular unleaded gasoline.

(2) RESERVE SITES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall determine a site for one GAS Reserve each in the Northeast and Midwest regions of the United States, and one in California. Such reserve sites shall be operational within 2 years after the date of enactment of this Act. The Secretary may establish two additional GAS Reserve sites at locations selected by the Secretary.

(3) SECURITY.—In establishing the GAS Reserve under this section, the Secretary shall obtain the concurrence of the Secretary of Homeland Security with respect to physical design security and operational security.

(b) TRANSPORTATION PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Congress, the Secretary of Homeland Security, and the Governor of each State in which a reserve will be sited a plan for the transportation of the contents of the GAS Reserve under this section to consumers in the event of an emergency sale under subsection (d).

(c) FILL DATE.—The Secretary shall complete the process of filling the GAS Reserve under this section by March 1, 2006.

(d) EMERGENCY SALE AUTHORIZATION.—The Secretary shall sell gasoline from the GAS Reserve if—

(1) the Governor of a State transmits to the Secretary a written request for GAS Reserve emergency sales assistance which—

(A) cites a physical disruption in the system supplying gasoline to the Governor's State; and

(B) demonstrates to the satisfaction of the Secretary that such disruption is likely to result in price volatility for retail gasoline markets in the Governor's State; and

(2) the Secretary determines that—

(A) GAS Reserve emergency sales would mitigate gasoline price volatility in the Governor's State;

(B) GAS Reserve emergency sales would not have an adverse effect on the long-term economic viability of retail gasoline markets in the Governor's State and adjacent States;

(C) the physical disruption described in paragraph (1)(A) is likely to result in general economic disruption in the Governor's State and adjacent States; and

(D) GAS Reserve emergency sales would serve to stabilize gasoline prices, not suppress prices below long-term market trend levels.

(e) PROCEDURE.—

(1) SECRETARY'S RESPONSE.—The Secretary shall respond to a request transmitted under subsection (d)(1) within 10 days of receipt of a request by—

(A) approving the request;

(B) denying the request; or

(C) requesting additional supporting information.

(2) APPROVAL.—If the Secretary approves a request, the Secretary shall provide to the Governor a written notice of approval that includes—

(A) a description of the GAS Reserve emergency sale plan; and

(B) an explanation of the Secretary's decision.

(3) DENIAL.—If the Secretary denies a request, the Secretary shall provide to the Governor a written notice of denial that includes an explanation of the Secretary's decision.

(4) ADDITIONAL INFORMATION.—If the Secretary requests additional information and the Governor does not respond for a period of 10 days, the Governor's request shall be denied. If the Governor provides all requested additional information in timely manner, the Secretary shall approve or deny the request within 10 days after receipt of such information.

(f) MAINTENANCE TRANSACTIONS.—The Secretary is authorized to conduct purchases and sales of gasoline at wholesale for maintenance of the GAS Reserve system. In conducting maintenance transactions, the Secretary shall ensure that—

(1) the GAS Reserve is available to respond to emergencies during periods of the annual gasoline market cycle when the Secretary expects demand to be highest;

(2) the GAS Reserve does not contain gasoline for a period of time so long as to jeopardize its quality; and

(3) maintenance transactions are timed so as to minimize their impact on the retail price of gasoline.

(g) REPORTS.—Not later than November 1 of each year, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a report on the GAS Reserve program, describing the physical status of GAS Reserve facilities, the program's financial outlook, and the disposition of any emergency sales request received and any emergency sales conducted since the last report, and recommending any additional appropriations or technical changes appropriate to improve the program's operation.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for construction and operation of the GAS Reserve for fiscal years 2004 through 2009.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, Members all know that when our local news stations report that a pipeline has burst or refinery has caught fire, we need to get ready for angry constituent phone calls and letters about gas prices. It has become almost an article of faith in most of America that practically any problem with the gasoline distribution system will cause the retail price of gas to spike, often dramatically. We all know that price spikes follow supply disruptions, just as summer follows spring.

This first sequence of events is followed almost certainly by a second equally predictable series of events: We fire off letters to the EPA, the Department of Energy, the FTC, the American Petroleum Institute, anybody we can think of who might be able to help. And even their responses are fairly predictable. The Department of Energy assures us they are monitoring the situation closely. The EPA assures us environmental regulations do not account for the price spikes. The FTC assures us that a market without overt collusion must be working perfectly, and the API says everything would be okay if only Congress would repeal the Clean Air Act and let them drill for oil about anywhere, even under the Lincoln Memorial.

Any Members who have had this experience know how frustrating it is. Constituents face a real problem, the industry tells us it is our fault, the government agencies tell us either there is nothing wrong or there is nothing they can do about it.

My amendment gives us a chance to change all that. My amendment requires the Secretary of Energy to establish 3 to 5 gasoline availability stabilization reserves modeled after the Strategic Petroleum Reserve. The Midwest, Northeast and California would get a reserve, and the Secretary would be authorized to site two more reserves anywhere in the country.

The reserve size would be 20 million barrels total, about 2 percent of the SPR. That is only enough gasoline to keep the whole country running for a day or two, but it should be enough to help any one region blunt the price effects of a refinery fire or a pipeline outage.

And that is what this reserve is intended for, emergency price stabilization, not general price control. Before authorizing an emergency sale from the reserve, my amendment requires the Secretary receive a request from the Governor based on a disruption to the physical system supplying gasoline to that State. Even then it is not a rubber stamp.

The amendment requires the Secretary to evaluate the Governor's re-

quest and consider the potential effects of the reserve sale on the area's retail gasoline markets. Only then can the Secretary conduct an emergency sale from the reserve. Even when a sale is authorized, the amendment requires the Secretary to conduct the sale so as to stabilize, not suppress, gasoline prices.

My amendment requires that the reserve program not create the very price instability the reserve is intended to prevent. In conducting routine purchases and sales, the Secretary must minimize the effects of these maintenance sales on the gas market. The amendment is not about assigning blame. It does not say that gas price spikes are the fault of greedy corporate robber-barons or environmental zealots. The amendment is about helping to minimize the effects of the supply system glitches on American consumers.

The logic is not complicated. Tom Greene, the senior assistant attorney general in California has said, "Inventories have declined dramatically. One implication is that if there is a refinery fire or an outage, there simply is not a cushion to cover the outage, and so you see price spikes."

My amendment provides that cushion. It is not a new, radical idea. Congress has done it before. The Energy Conservation and Policy Act amendments of 1990 authorized the creation of regional reserves of refined petroleum products, including gasoline. Congress is not the only body that has seen the virtues of the gas reserve. The State of California is considering a state-run reserve. A report requested by the energy commission there suggested such a reserve might save California consumers a billion dollars in the wake of a supply problem. The Consumer Federation of America has recommended this idea for the Midwest.

I urge Members to vote in support of this consumer-friendly, economic growth protection amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Louisiana (Mr. TAUZIN) is recognized for 10 minutes.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment proposes to establish a gasoline reserve, 20 million barrels. That is 840 million gallons of gasoline. With one site each in the Northeast, Midwest and California, there would be over 6 million barrels or nearly 280 million gallons of gasoline at each one of these three locations.

To put it in proper perspective, Port Mobil in New York, one of the largest in the world, has a storage capacity of only 2.5 million barrels. This amendment more than doubles it at each of three locations. A large gasoline storage tank can hold about 300,000 barrels. This amendment would require 22 such tanks at each location.

Gasoline, as we all know due to its extremely volatile nature, has to be stored above ground. Vaporization is a major problem. Gasoline is extremely flammable. It is explosive. I find it very ironic if a private company proposed to build one of these facilities anywhere with this kind of magnitude, every environmentalist in the country, every safety advocate in the country would be there to oppose it, and it would likely not get built. Here we propose for the government to do it.

Gasoline, worst of all, has a shelf life of 1 year or less. Now I want to put this in perspective so we all understand what I am talking about. Have Members ever tried to use the lawn mower with last year's gasoline in it? Have you ever tried to start it? Now try 840 million gallons of old gasoline in lawn mowers and cars all over America.

But the amendment says the Secretary of Energy is authorized to conduct purchase and sales of gasoline for maintenance purposes such as maintaining gasoline quality. So now let us talk about market manipulation. Here the government, the Secretary, is buying and selling 840 million gallons of gasoline in order to turn over the inventory on a 1-year cycle. That would disrupt markets in the private sector as they tried to anticipate the Federal buy-and-sale plan. This is just a ploy for the Federal Government to begin regulating gasoline prices. We have to understand it for what it is.

The amendment requires the storage of regular unleaded gasoline. Depending upon the time of the year, there are between 20 and 24 different types of regular unleaded gasoline blends at any one time in America. In the Northeast alone, there are five different types of regular unleaded gasoline. Would the reserve have winter grade or summer grade, in addition to the various blends? Members can see what I am getting to.

This is an extraordinarily complex market that is made even more extraordinary because the government requires all of these different blends, and now we are going to put the government in the business of creating massive storage tanks all over America, manipulating sales and purchases all over the place with all of these different blends to boot, and having to do it on a regular cycle because old gasoline will not start the lawn mower.

The enactment into law of this amendment would be a disaster. It would be a disaster to communities where the site is located, it would be a disaster for the gasoline markets that would be disrupted by government built-in manipulation, and it would be a disaster to the Federal Government for wasting rather precious tax dollars.

□ 215

I urge my colleagues to defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the Brown GAS Reserves amendment.

Mr. Chairman, the bill before us today throws billions of taxpayer dollars at oil production. It undermines environmental protections for coastal States like my home State of Michigan, as well as Alaska's Arctic National Wildlife Refuge. All of this is done for the promise of oil that cannot possibly get to the market for several years.

Even if these measures do succeed in increasing America's supply of crude oil, they will do nothing, nothing, to require that America's oil companies supply regions like the Midwest. Michigan was hit hard in 2001 when pipeline outages cut into our region's gasoline supplies. Prices at the pump jumped through the roof, putting the squeeze on my constituents and putting the brakes on Michigan's economy. Again this year we have large and often overnight jumps in gas prices that are just simply outrageous and are creating distrust in our system of gasoline distribution in this country.

The problem is not that pipelines sometimes break down and refineries sometimes catch on fire. They happen; these are acts of God, and we cannot expect the industry to prevent every one of them. The problem, Mr. Chairman, is that oil companies do not keep enough gasoline reserves in our area to provide a cushion when accidents like this happen, and that is not just ancient history. Even as we debate this amendment today, my district is looking at another summer of driving without a safety net, without a cushion.

The Bush administration's Energy Information Administration reported just last week that gasoline "stocks are very low for this time of the year on the East Coast and in the Midwest." The gentleman from Ohio's (Mr. BROWN) amendment, the GAS Reserves amendment would provide that cushion, that safety net that we need in Michigan to mitigate the price effects of physical disruptions in our region's gasoline supply system. For my friends in the Midwest, the Northeast, and California, history has shown that they also need that cushion, that safety net that is provided by this amendment.

I hope that my colleagues will join me in voting to give the Federal Government the tools it needs to make a real difference in the most important day-to-day energy issue facing our constituents and our economy. I ask that you join me in supporting the Brown amendment.

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Chairman, first I want to thank the distinguished gentleman from Ohio (Mr.

BROWN) for graciously, and I mean this, providing us copies of the amendment. The majority staff had the odd page copies but not the even page copies. So we appreciate it. That shows how closely we had been tracking this. So I am glad we got the entire amendment, and I appreciate that.

The gentleman from Ohio has many good ideas on the Committee on Energy and Commerce, and we have worked together on many of those ideas. This is not one of them. It is an idea, but just to put this in perspective, we use every day in this country 12 million barrels of gasoline, 12 million barrels. That is what we use to keep our transportation system going.

The gentleman's amendment authorizes 20 million barrels; that is not even a 2-day supply. So even if this were implemented, it would be 1½ days' supply. So that is the first problem with it.

The second problem, the gentleman very graciously says we are going to put a reserve in the Northeast, put a reserve in the Midwest, put a reserve in California and in two other places. That is five places. Somebody is going to get left out. If we put one in the Northwest and in the Southeast, then the Southwest gets left out. If you put one in the Southwest and the Southeast, then the Northwest gets left out. So we have got a little bit of a problem there.

We have got a security problem. Do we really want to put a national gasoline reserve in place that is just an invitation for a terrorist target? We have got that problem.

Then we have got the problem of overflow. If we do not use the gasoline, it becomes stale. Again, we are only storing 1½ days' supply, but we are going to be continuously changing this gasoline to make sure that it is fresh in case it needs to be used. That would probably cost more in the acquisition costs. So all in all this is not an idea whose time has come.

The gentleman has other ideas that I would encourage him to pursue more vigorously, because even if this were to be implemented, I do not think it would have the intended effect.

So I hope we would oppose the gentleman's amendment and work with him on some of these other amendments. But I thank him again for giving us the copies of the pages we did not have.

Mr. BROWN of Ohio. Mr. Chairman, how much time is left?

The CHAIRMAN pro tempore (Mr. SWEENEY). The gentleman from Ohio has 3 minutes remaining. The gentleman from Louisiana has 3½ minutes remaining.

Mr. BROWN of Ohio. I would like to close.

The CHAIRMAN pro tempore. The gentleman from Louisiana, who objects to the amendment, has the right to close.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the kind words of the gentleman from Texas (Mr. BARTON). I am intrigued that the two speakers who are against this amendment, one says there is too much gas that we are putting aside and reserving and the other says there is not enough gas we are reserving.

On the second argument, one said there are too few places and then the other says there are too many places where we are putting reserves. I do not quite get which it is.

But I ask each of my colleagues to think about when they go home this weekend to go to their grocery store, go to their son's or daughter's school, go to a local gas station, stop any one of their constituents, ask her or ask him what energy issue affects them the most on a day-to-day basis. I doubt that they will talk about electric power transmission lines. I doubt that they will talk about reprocessing nuclear fuel. I doubt that they will talk about building oil rigs, where they locate them, where they drill.

I will bet their constituents, almost every one that they ask, would say that the single energy issue affecting their daily lives most is the volatility of retail gasoline prices. People invariably, inevitably, almost every week will call them on the phone and talk to them in the grocery store or whatever and say, why did gas prices spike so much? Why did they go up so quickly? What happened this weekend to cause these to go up?

The bill before us today does nothing, absolutely nothing to address that important issue. We are going to pass an energy bill tonight or tomorrow or a couple weeks from now when we come back, and we will have accomplished nothing, done nothing to address the issue of price spikes in gasoline at the pump.

This amendment is about States' rights. It is about local control. It is about empowering governors to protect consumers in their States. It is not about forcing governors or forcing States to do something. It gives a governor, it gives the Secretary of the Department, it gives all of them tools to deal with the issue of price volatility. This amendment is, I would emphasize, the only thing in the bill that provides immediate relief for the most obvious tangible energy issue affecting our constituents.

I invite my colleagues to join me in approving this bill by adopting the reserves amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I too have a good friend from Ohio, but I would say the whole supply and demand equation still works. We are trying to get more supply through oil exploration. We have not built a new refinery in this country in 25, 30 years. Unfortunately, our bill does not help

ease some regulatory burdens or have incentives to create new refineries. That is how we would solve their problem.

I fly into St. Louis, Missouri and if we fill up with gasoline in St. Louis and I have to drive to Springfield, Illinois, I go through three different fuel blends. There are three different fuel blends. There is a different fuel blend for St. Louis. There is a different fuel blend for Metro East, and there is a different fuel blend for Springfield, Illinois. Mr. Chairman, which fuel blend are we going to use to store and how do we separate it?

The intent is good. This cannot be implemented in the country today. So I would ask for defeat of the Brown amendment.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Let me put this in perspective for the gentleman from Ohio (Mr. BROWN). The gentleman from Illinois (Mr. SHIMKUS) is correct. The last time America built a major refinery was in my district over a quarter of a century ago. Over a quarter of a century ago was the last time we licensed and built a major refinery in America. That is pretty sad. The result has been that our refinery is at 93 percent capacity right now.

They are making gasoline and fuel oil to heat our homes and jet fuel, as fast as they can make it; diesel fuel for our vehicles, as fast as they can make it. The result is we are importing more refined products now than ever. We are importing more refined jet fuel, gasoline, diesel, fuel oil, everything else because we have stopped building refineries in America. That is pretty sad.

On top of that, we have got a fuel blend requirement in our system that causes regions of the country to switch blends every now and then, winter grade, summer grade, different blends to meet air quality standards, the result of which if there is any breakdown in the system, we have got real problems. But building gasoline reserves and having the Federal Government intervene in those sales and marketing and circulating these sales every year is just going to make it worse, I promise.

I hate to pick on the post office, but if my colleagues think the government running the Postal System is a good idea, and delivering all the mail and the e-mails of America and running the Internet, for example, put them in the gasoline business and see what a mess we have got. This is not going to work. It is a terrible idea.

And, to boot, I can see what happens at the end of the year. We have got all these blends and all these products sitting in these tanks we have not been able to market, and all of a sudden we are going to have an old gasoline disposal bill and we are going to be fighting over whether to put it in Yucca Mountain or somewhere else.

I mean, I can see what happens at the end of this thing. It just does not work.

If my colleagues want a system that works, help us build a good energy pol-

icy that produces more in America, that builds a refinery every now and then when we need one, instead of not having one built in a quarter of a century. That will work.

I ask the Members to reject this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BROWN of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. BROWN) will be postponed.

It is now in order to consider No. 10 printed in House Report 108-69.

AMENDMENT NO. 10 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. UDALL of New Mexico:

Strike section 14029.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from New Mexico (Mr. UDALL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

First of all, Mr. Chairman, I would like to thank the Committee on Rules for making this amendment in order.

This amendment is a simple amendment with a simple objective: striking section 14209 of the Energy Bill and to protect the health of thousands of residents of the and Navajo Nation.

Section 14209 provides a \$10 million subsidy over 3 years to promote a highly experimental technology where uranium is mined from groundwater. The problem is, the groundwater is a pure source of drinking water for a community of over 10,000 Navajo Indians. The Navajo community has suffered enough from the effects of uranium mining. Hundreds of families have lost their loved ones and breadwinners to the scourge of uranium mining.

During the 1940s through the 1970s, Navajo men mined uranium in dirty mines with high levels of radon. As a result, many contracted lung cancer. The Navajo Nation has seen an epidemic of lung cancer caused by uranium mining.

The people of the Navajo Nation and the residents of Crownpoint and Church Rock, do not want this mining to occur in their groundwater. They have suffered enough. They are fighting now against a company in court

that is attempting to mine, and they are in court right now.

Some of my colleagues have approached me and asked me to withdraw my amendment because they believe that New Mexico was excluded. This is not the case. If it were, I would be pleased that the drinking water and aquifer of my constituents would not be threatened.

As written, section 14029 does not preclude uranium mining in New Mexico or anywhere else for that matter.

□ 2030

The Congressional Research Service has advised me that, as written, 14029 would permit in situ leach mining in New Mexico.

Specifically, if a domestic uranium producer has produced uranium in any of the States listed, Colorado, Nebraska, Texas, Utah or Wyoming, and produced uranium in any other State, then that company is eligible for the grants created by this section. Then they are not precluded from doing this procedure anywhere that uranium is located.

More importantly though, this is not just about New Mexico. In my opinion, we should not be experimenting in communities' water anywhere. I am trying to protect everyone near uranium mines from having their water supplies polluted.

Mr. Chairman, my first and foremost concern in offering this amendment is protecting the health of thousands of Navajos who would be severely impacted by this mining. There are, however, other concerns. This proposed subsidy would also lead to even further unsound fiscal policy.

At a time of skyrocketing Federal deficits and an uncertain economic future, we should not be giving away \$30 million to the uranium industry. We have too many domestic priorities that are not being met because of policies like this subsidy. Taxpayers for Common Sense views this as an unfair and unwise corporate giveaway.

This is also about fairness. It is sadly ironic that we cannot find the financial resources required to fully fund the Radiation Exposure Compensation Act, or RECA, which was intended to clean up the mess left by the uranium industry; but we can find the resources for this \$30 million subsidy to pollute more water and potentially ruin the health of more citizens.

We do not need more of this type of uranium development. Promoting this type of development does not safely provide new energy sources. Instead, it increases the potential for drastically harming the environment and causing potential harm to thousands.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the amendment and claim the time in opposition.

The CHAIRMAN pro tempore (Mr. SWEENEY). The gentleman from Louisiana is recognized for 10 minutes.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. I believe nuclear power is an essential source of electricity in the country. It provides about 20 percent of our power today. Nuclear generating capacity is critical to maintaining the diverse portfolio that everybody wants.

In order to have nuclear power, you have to have a reliable domestic source of nuclear fuel. Nuclear fuel is made of enriched uranium, which obviously comes from uranium ore, and which is mined from the Earth in several western States.

The Udall amendment seeks to strike section 14029 from the bill. That section authorizes \$10 million per year over 3 years for the Secretary of Energy to enter into cooperative, cost-shared agreements with domestic uranium miners to develop improved uranium mining technologies, including those that have minimal environmental impacts.

It also supports the development of the advanced low-cost environmental restoration technologies, to clean up uranium mines after they are closed. Why would anybody, including any nuclear activist, oppose technologies to clean up old mines?

I understand that many Members are against nuclear power; but the fact is that nuclear power will continue to grow in our country, and this amendment seeks to ensure that we develop advanced and environmentally sensitive uranium mining and restoration.

Mr. Chairman, I believe a vote for the Udall amendment to strike this section is essentially a vote against nuclear power, and a vote in favor of this amendment is also a vote against the development of environmentally responsible uranium mining and clean up technologies.

So I urge that we oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my distinguished friend, the chairman from Louisiana, makes the point that this is solely a responsible way to help the uranium mining industry.

I would point out to the gentleman that the uranium industry, since its beginning, has received \$60 billion in subsidies from the Federal Government. We have a serious glut in uranium right now, one, because of governmental policies, and, secondly, because our companies that operate here in the United States cannot compete internationally, and we have this huge glut of uranium on the market right now. So the solution that the gentleman and this bill come up with is to throw more money at an industry and prop it up and encourage that industry to go out and mine in situ in people's groundwater.

This is not the way to move. I do not think this is the kind of solution that would help my constituents, it does not help anybody's constituents who live near uranium mining, and I believe we ought to focus on what is going on here.

First of all, we are propping up an industry; secondly, we are damaging the groundwater of many people; thirdly, this just is not sound fiscal policy for our Nation.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, I rise today to express my opposition to the Udall amendment to H.R. 6, which strikes section 14029 from the Energy Policy Act of 2003.

Let me say, one of the things that has been indicated in terms of the glut, and that is correct, but I want to indicate that the domestic uranium industry arose and expanded in response to government pleas that the private industry establish sufficient uranium to meet the American nuclear defense needs as well as the energy needs. However, in the 1990s the Russian Highly Enriched Uranium Agreement and the privatization of the U.S. Enrichment Corporation worked unintentionally to create an overwhelming glut.

Mr. Chairman, that is true, but that same glut caused the prices in the market to drop and the industry to have serious problems at below-production costs. The funding in section 14029 responds to the numerous obstacles stemming from these government actions which led to the drastic supply/demand imbalance that has occurred in the uranium industry that has left competitive domestic producers unable to survive.

That is why we need these resources, because at the present time the gentleman is correct, there is a glut. There is too much. That is why we need assistance and resources to help out.

Mr. Chairman, what these resources do basically is authorize funding for research at existing sites to make uranium recovery safer for people and the environment, and also to provide redress for impacted domestic uranium industries, by assessing the decontamination, by looking at the decommissioning, by reclamation and other environmental remedial costs. So when you look at what we are trying to do, it is basically trying to correct the situation we find ourselves in.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Texas for his comments on this issue. I consider him a good friend. But on this issue I think we have to disagree.

They say the uranium market is hurt because of governmental policies. The real facts are that the uranium industry cannot compete internationally.

Other countries, namely Canada, are able to produce at far lower prices than the United States. What we are doing here by including this subsidy is proping up a dying industry.

Yes, there is a glut in the current uranium market, also created by governmental policies; but why are we giving away taxpayer money to increase the supply even more? What happened to competition? My friends from the other side always talk about competition. This is not competition; this is growing more and more and more supply.

This is a very unwise section of this bill, and it should be stricken.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON) for purposes of a colloquy.

Mrs. WILSON of New Mexico. Mr. Chairman, the Committee on Energy and Commerce adopted an amendment that I offered in committee regarding research to reduce the impact of uranium mining on water. The amendment sought to make clear that this research would be restricted only to the States of Colorado, Nebraska, Texas, Utah or Wyoming; and no other States, including New Mexico, would be the location for this type of research.

Does the gentleman agree that is the intent of the language included in the bill today?

Mr. TAUZIN. Mr. Chairman, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, that is precisely the intent that was in fact discussed and acknowledged when we accepted the gentlewoman's amendment in full committee.

Mrs. WILSON of New Mexico. Mr. Chairman, reclaiming my time, some readers of the language are asking questions about the intent. Would the gentleman be willing to work in conference to make technical corrections to the language in order to make that intent perfectly clear?

Mr. TAUZIN. Mr. Chairman, if the gentlewoman will yield further, yes, I would.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentlewoman from New Mexico for her willingness to come to the floor and clarify the intent of the legislation. I appreciate her efforts on this issue. However, even if the language in the bill were in line with the intent, I still believe my amendment is necessary. This subsidy has dangerous implications for the entire Nation, not just my district.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise tonight in opposition to the Udall amendment. The Udall amendment would strike from the energy bill all funding for research and development into environmentally sensitive uranium mining and reclamation technologies.

Uranium mining is necessary for the production of enriched uranium that is then necessary to create the fuel used in the production of nuclear power. Nuclear power must not be excluded from the Nation's long-term energy plan. It is now, more than ever, a national security issue. I think that we should invest in new technologies that can be used to extract uranium from the ground. Section 10429 creates a uranium mining research and development program to improve uranium mining technologies.

The main focus of section 10429 is to develop environmentally sensitive uranium mining technologies as well as new environmental clean-up technologies for closed uranium mines. That, Mr. Chairman, is responsible stewardship.

Nuclear power is here to stay, and we need to support a strong domestic uranium industry. This legislation does that, and it is environmentally sensible.

Mr. Chairman, the Udall amendment to strike this provision from the bill could simply be characterized as an anti-nuclear amendment. But we live in a unique time. We are at a point in our Nation's history where we cannot afford to turn our back on any reasonable power source to meet our Nation's energy needs.

Mr. Chairman, I am against the Udall amendment; and I encourage my colleagues to vote against it as well.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume to close debate on my side.

Mr. Chairman, this amendment can prevent potential damage from this provision that inflicts enormous, enormous, damage on the health of thousands of Native Americans. But this provision has implications far wider than just my district. It has implications in any district that has uranium and where uranium is mined.

The potential long-term damage this section could inflict on the environment is immeasurable. I ask my colleagues to take a close look at this and consider whether or not they might want this dangerous type of mining occurring in neighborhoods of their constituents.

I would also ask that they take a look at the fiscal responsibility here. This is an industry which has received \$60 billion in subsidies. This is an industry right now where there is a huge glut on the market of uranium, and we are talking once again about throwing \$30 million at the industry and propping it up. It does not make a lot of

sense, especially in this competitive environment.

I would urge my colleagues to look at the groups that are supporting my amendment. We have the Taxpayers for Common Sense, who believe that this is a very serious corporate giveaway. That is one end of the spectrum. And we have most major environmental groups that are supporting this amendment. The leaders of the Navajo Nation for the last two terms have supported this amendment and are against this type of mining on the Navajo Reservation.

□ 2045

The Navajos are the largest tribe in the Nation, and the Union of Concerned Scientists is against this amendment.

So with that, I would ask all of my colleagues to vote for the Udall amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment strikes money that is designed to help improve technologies for mining in an environmentally safe way. It strikes money that is designed to help improve technologies for cleaning up the uranium mines once they are shut down.

Now, if one is against nuclear energy and if one is against mining, why would one be against helping to make sure that technologies for mining were at least done in an environmentally sound way? Why would you be against mining to make sure that technologies were developed to clean up abandoned mines once they have finished their life cycle?

It seems to me that this kind of an amendment is just designed to say you are against nuclear energy, and I understand that, as some of my colleagues are.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, the gentleman from Louisiana says that this is an amendment against the nuclear industry. I am not offering this with that motivation. This is an amendment to protect the environment, and it is to protect the taxpayers' pocketbook.

Mr. TAUZIN. Mr. Chairman, reclaiming my time, I accept my friend's explanation, but my point is, if we are talking about doing what we always do in government, and that is to assist technologies to help improve the environment in this case, to make sure that when mining occurs, it is done in an environmentally sensitive way; to make sure that when mines are closed, they are closed in an environmentally sensitive way, if that is what we are doing in this case, it seems to me whether you are pro- or antinuclear, one would be for doing this. I cannot imagine why one would be against doing this, unless one just does not like

nuclear energy, and I know a lot of people do not.

I accept the gentleman's statement that that is not why he is doing it; I just find it hard to believe that all of the groups the gentleman has aligned with him are not antinuclear activists, because I have seen the list.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SWEENEY). The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. UDALL of New Mexico. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico (Mr. UDALL) will be postponed.

It is now in order to consider Amendment No. 11 printed in House report 108-69.

AMENDMENT NO. 11 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. NADLER: In division A, section 14032, in the proposed section 307(d)—

(1) strike "and" at the end of paragraph (6);

(2) strike the period, close quotation mark, and period at the end of paragraph (7) and insert "; and"; and

(3) add at the end the following new paragraph:

"(8) accelerating the purchase of excess weapons grade plutonium and uranium from Russia to reduce the likelihood that such plutonium and uranium could be stolen or sold to terrorists."

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would add to the Highly Enriched Uranium Divergent Study Threat Report, already required by the bill, a new section mandating that the study examine the options of weapons accelerating the purchase of excess weapons grade plutonium and uranium from Russia to reduce the likelihood that such plutonium and uranium could be stolen or sold to terrorists.

The report already requires that seven items be considered by the Secretary, and this amendment would add an eighth item.

Mr. Chairman, the greatest threat the United States faces is that a terrorist group like al Qaeda may obtain nuclear weapons. Even a small nuclear bomb exploded in the United States would kill hundreds of thousands of

people and cause more than \$1 trillion in economic damage. The threat of nuclear proliferation is at the heart of our confrontations with Iraq and North Korea, yet we are not adequately addressing the most likely source of this threat.

It is relatively easy to make atomic bombs if you have weapons-grade material. Enough excess weapons-grade plutonium and uranium to build 20,000 nuclear bombs is stored in the former Soviet Union, in facilities of doubtful security, guarded by low-paid personnel who may be tempted by black-market cash. The possibility of al Qaeda or another such terrorist group buying or stealing enough for a few nuclear devices is disturbingly high.

The United States has agreed to buy or help convert the Russian nuclear materials into a nonthreatening form, but this will take decades, up to 30 years, in fact.

Now, I had originally wanted to offer an amendment that would add \$30 billion in funding to enable us to quickly purchase and secure all of the excess Russian plutonium and highly enriched uranium. That amendment was based on the recommendations of a report issued in January of 2001 by a commission headed by Howard Baker, Lloyd Cutler, Gary Hart, Sam Nunn, Susan Eisenhower, and Robert Hanfling. Their report, entitled "A Report Card on the Department of Energy's Nonproliferation Programs With Russia," should have served as a wake-up call to the Nation. Unfortunately, we are still asleep when it comes to this issue.

That report writes, "The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons of usable material in Russia could be stolen and sold to terrorists or hostile nations and used against American troops abroad or citizens at home. This threat is a clear and present danger to the international community as well as to American lives and liberties."

I agree. Unfortunately, my amendment, based on their recommendations, was not made in order. But this amendment, simply to study the pros and cons of accelerating the purchase of this dangerous nuclear material, may result in our taking real action a year or two from now.

We need to increase substantially the funding to purchase excess Russian plutonium so that we can immobilize it; to purchase the highly enriched Russian uranium in order to downblend it; and to make a series of improvements to the security of nuclear material while it is still in Russia, including training of operators and managers, computerizing inventory systems, and making upgrades to security during transport. At the very least, it is time for the Secretary of Energy to consider carefully proposals that would accelerate the purchase of this excess weapons-grade plutonium and uranium. Whatever it would cost would be a small price to pay to keep al Qaeda from obtaining nuclear bombs.

I hope my colleagues will support this amendment.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to thank the gentleman for yielding, and I want to announce that we support the gentleman's amendment.

And if I might have time of the gentleman to explain why, we think this amendment improves on the amendment that we supported in committee offered by the gentleman from Florida (Mr. DEUTSCH) earlier. The underlying provision requires the Department of Energy to provide Congress with a report of recommendations on how we can reduce the threat of theft or diversion of highly enriched uranium; and the Nadler amendment, as I understand it, requires the Secretary to include in this report any recommendations to accelerate the purchase of excess weapons-grade uranium and plutonium from Russia to reduce the likelihood of these materials being stolen or falling into the hands of terrorists.

My understanding is, the Department of Energy has already negotiated several agreements with Russia to purchase highly enriched uranium and weapons-grade plutonium, for that matter. This amendment would require the Department to study ways to build off those successful agreements, and determine whether accelerating the programs would be feasible.

The Subcommittee on Oversight of the Committee on Energy and Commerce has held numerous hearings to review physical security of nuclear power plants, security of Department of Energy facilities, and the risk of nuclear smuggling at our ports. The nuclear title, in fact, of our bill before us today has numerous provisions to improve the security of nuclear materials in our country.

The Nadler amendment, as I understand it, builds upon our strong efforts already in the bill to ensure that nuclear materials are protected and do not fall into the hands of terrorists. So I think the gentleman is doing this country and this Congress a favor with his amendment.

I rise in support of it, and I ask my colleagues to vote in favor of the provision.

Mr. NADLER. Mr. Chairman, reclaiming my time, I appreciate the support of the distinguished chairman.

The CHAIRMAN pro tempore. Does anyone rise in opposition to this amendment?

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore. The gentleman's time has expired. The gentleman from New York must seek unanimous consent for additional time since his time has expired.

Mr. NADLER. Mr. Chairman, I ask unanimous consent for an additional 5 minutes, which I will not use.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Florida (Mr. DEUTSCH) and I introduced legislation to deal with the issue of highly enriched uranium that is of U.S. origin that should be secured no matter where it is, here or around the world, so that we can preclude that material's being used for nuclear weapons.

The gentleman from New York (Mr. NADLER) improves upon it. He wants it out of an even more dangerous area, and that is the former Soviet Union, all the loose nuclear material; and the opportunity that the United States has to play a lead role in taking that nuclear material, bringing it to the United States, getting it out of harm's way. And I am glad that the gentleman from Louisiana and the Republican leadership is accepting this amendment because, in the long run, there may be no more important amendment that we consider.

Mr. NADLER. Mr. Chairman, reclaiming my time, I thank the gentleman for his support. I thank the distinguished chairman for his support.

Mr. Chairman, knowing that I am ahead, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 12 printed in House report 108-69.

AMENDMENT NO. 12 OFFERED BY MR. REYNOLDS

Mr. REYNOLDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. REYNOLDS:

At the end of subtitle B of title IV of division A, insert the following new section:

**SEC. 14036. TRANSFER.**

Not later than December 31, 2003, the Secretary of Energy shall transmit to the Congress a plan for the transfer to the Secretary of title to, and full responsibility for the possession, transportation, disposal, stewardship, maintenance, and monitoring of, all facilities, property, and radioactive waste at the Western New York Service Center in West Valley, New York. The Secretary shall consult with the President of the New York State Energy Research and Development Authority in developing such plan.

The CHAIRMAN pro tempore. Pursuant to House Resolution 108-69, the gentleman from New York (Mr. REYNOLDS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. REYNOLDS).

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to open by noting that I am before my colleagues today not only on my behalf, but on behalf of my colleague and neighbor, the gentleman from New York (Mr. HOUGHTON). The gentleman from New York (Mr. HOUGHTON) had planned to offer this amendment on West Valley, which is in his district, but his mother, Laura Houghton, passed away yesterday at the age of 102 years. So he had to go to return to his district and he asked that I introduce this amendment on his behalf. And I am also joined by the gentleman from New York (Mr. QUINN), who is also a neighbor.

Mr. Chairman, this amendment addresses an issue that hits very close to home. The West Valley Nuclear Service Center in West Valley, New York, neighbors my hometown of Springville, New York, the very town where I grew up. The facility is the only commercial reprocessor of spent nuclear fuels in the United States. Although commercially operated in the late 1960s and early 1970s, the Federal Government provided all of the reprocessing technology, and the vast majority of reprocessed fuel came directly from the Federal Government's nuclear weapons reactors.

Over 20 years ago, at the direction of Congress and at the urging of the residents of western New York, New York State and the Department of Energy became partners to clean up this site. They were to work cooperatively in cleaning up the site and in deciding its future. New York State even agreed to pay for a portion of the cleanup. To this day, New York State is the only State to contribute to the cleanup of high-level nuclear waste. In fact, New York State has contributed over \$250 million to the waste cleanup since its inception.

The cleanup of this site has proceeded smoothly and safely for many years.

Over the past 3 years, the Department of Energy and New York State have been meeting to plan the future of the West Valley site after the bulk of high-level waste solidification is completed.

Unfortunately, this partnership has become strained in recent years, as the Department of Energy has distanced itself from their cleanup responsibilities. New York's repeated attempts to reach an agreement over the future of the site have been rejected or ignored.

□ 2100

Mr. Chairman, this amendment does not change existing law; rather, it directs the Department of Energy to once again work cooperatively with New York State at the West Valley site. The amendment provides guidance to the Department of Energy to develop a proposal for the future of the site and report that plan back to Congress.

Finally, the amendment seeks to ensure that the Department of Energy fully recognizes its responsibilities at the site for the vast amount of Federal high-level waste at the site and directs the Department of Energy to consult with New York State on this proposal.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I claim the time in opposition, although I am going to speak in support.

The CHAIRMAN pro tempore (Mr. SWEENEY). Does any other Member claim the time in opposition?

Hearing none, without objection, the gentleman from Louisiana (Mr. TAUZIN) is recognized.

There was no objection.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment offered by the gentlemen from New York (Mr. HOUGHTON and Mr. REYNOLDS), and I sympathize with our friend, who is going through a bad time.

Mr. Chairman, the amendment would require the Secretary of Energy to develop a plan to transfer to the DOE all clean-up responsibilities at the Western New York Service Center in western New York. The West Valley site was owned by the State of New York. The West Valley site was once a nuclear waste processing facility where DOE sent some of its spent nuclear fuel for processing.

In 1980, the Committee on Energy and Commerce helped pass the West Valley Demonstration Project Act. This act directed the Secretary of Energy to carry out a project to solidify and remove high-level radioactive waste from the West Valley site. Pursuant to that West Valley Demonstration Project Act, the State is required to pay a 10 percent share of the annual clean-up costs.

To date, the State has met this financial commitment. Over the past several years, DOE and the State of New York have attempted to negotiate a comprehensive agreement to resolve all remaining radioactive waste clean-up issues at the West Valley site. Regrettably, the parties, as the gentleman has indicated, have not yet come to agreement.

This amendment requires the Secretary to develop a plan to transfer clean-up responsibilities from the State of New York once and for all. In developing the plan, the DOE should consider any long-term stewardship issues, and DOE should work with the appropriate authorities in New York to determine what share of the total cleanup costs should be paid by the State.

This is an important issue to the committee. I hope this amendment will encourage the DOE and the State of New York to finalize a plan to address these important cleanup activities at West Valley.

So I rise, actually, in support of this amendment, Mr. Chairman. I encourage my colleagues to support it also.

Mr. REYNOLDS. Mr. Chairman, I thank the chairman for his support of this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. QUINN), a neighbor of the gentleman from New York (Mr. HOUGHTON).

Mr. QUINN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to join the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from New York (Mr. REYNOLDS) in sending condolences to our neighbor and friend, the gentleman from New York (Mr. HOUGHTON), on his loss.

Over the past few years, all of the members of the western New York delegation, along with local leaders and members of the community and others, in an effort to see a resolution in the dispute between New York State and the Department of Energy, have all worked cooperatively together. The responsibility for long-term stewardship of this site and the transportation and removal of solidified waste must be established immediately. This amendment does just that.

The West Valley Demonstration Project was a creation of the Federal Government to deal with over 600,000 gallons of highly radioactive waste generated as a result of the nuclear fuel reprocessing effort, over two-thirds of which came from the Federal nuclear weapons facilities.

This amendment directs the Secretary of Energy to provide to Congress a plan to take over responsibility of this site. The Department of Energy and the State of New York have held talks for almost 4 years on this very issue, and these talks, as we have mentioned, have produced no results. Congress laid out the instructions in the 1980 West Valley Demonstration Project Act, and it is appropriate that we clarify today that the responsibility for the final phase of this project lies with the U.S. Department of Energy.

The western New York delegation has worked long and hard on this issue with the help of the West Valley Citizens Task Force, the Buffalo Niagara Partnership, local leaders, and the community at large. It is time for Congress to act and to move on this extraordinary undertaking and make it one step closer to completion.

Mr. TAUZIN. Mr. Chairman, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. REYNOLDS).

The amendment was agreed to.

Mr. TAUZIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair,

Mr. SWEENEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, had come to no resolution thereon.

#### CONFERENCE REPORT ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

Mr. NUSSLE submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

(See text of the conference report on H. Con. Res. 95 on page H3194).

#### ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

□ 2105

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with Mr. SWEENEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, amendment No. 12 printed in House Report 108-69 offered by the gentleman from New York (Mr. REYNOLDS) had been disposed of.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 5 offered by the gentleman from Massachusetts (Mr. MARKEY); amendment No. 7 offered by the gentleman from Virginia (Mr. TOM DAVIS); amendment No. 9 offered by the gentleman from Ohio (Mr. BROWN); amendment No. 10 offered by the gentleman from New Mexico (Mr. UDALL).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The CHAIRMAN pro tempore. The pending business is the demand for a

recorded vote on amendment No. 5 offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 228, not voting 9, as follows:

[Roll No. 135]

#### AYES—197

Abercrombie	Gutierrez	Napolitano
Ackerman	Harman	Neal (MA)
Allen	Hastings (FL)	Oberstar
Andrews	Hill	Obey
Baird	Hinchey	Olver
Baldwin	Hoeffel	Owens
Ballance	Holden	Pallone
Bartlett (MD)	Holt	Pascarell
Bass	Honda	Pastor
Becerra	Hooley (OR)	Payne
Bell	Hoyer	Pelosi
Berkley	Inslee	Petri
Berman	Israel	Pomeroy
Bishop (NY)	Jackson (IL)	Price (NC)
Blumenauer	Jackson-Lee	Rahall
Boehlert	(TX)	Ramstad
Boswell	Johnson (CT)	Rangel
Boucher	Johnson (IL)	Rothman
Bradley (NH)	Johnson, E. B.	Roybal-Allard
Brown (OH)	Jones (OH)	Ruppersberger
Brown, Corrine	Kaptur	Rush
Capps	Kelly	Ryan (OH)
Capuano	Kennedy (MN)	Sabo
Cardin	Kennedy (RI)	Sanchez, Linda
Carson (IN)	Kildee	T.
Case	Kilpatrick	Sanchez, Loretta
Castle	Kind	Sanders
Conyers	Kirk	Saxton
Cooper	Kleczka	Schakowsky
Costello	Kucinich	Schiff
Crowley	Lampson	Scott (GA)
Cummings	Langevin	Scott (VA)
Davis (AL)	Lantos	Sensenbrenner
Davis (CA)	Larsen (WA)	Serrano
Davis (FL)	Larson (CT)	Shays
Davis (IL)	Leach	Sherman
Davis, Tom	Lee	Simmons
DeFazio	Levin	Slaughter
DeGette	Lewis (GA)	Smith (NJ)
Delahunt	Lipinski	Smith (WA)
DeLauro	LoBiondo	Snyder
Deutsch	Lofgren	Solis
Dicks	Lowe	Spratt
Dingell	Lynch	Stark
Doggett	Majette	Strickland
Doyle	Maloney	Stupak
Dunn	Markey	Sweeney
Ehlers	Marshall	Tauscher
Emanuel	Matheson	Thompson (CA)
Engel	Matsui	Tierney
Eshoo	McCarthy (NY)	Towns
Etheridge	McCollum	Udall (CO)
Evans	McDermott	Udall (NM)
Farr	McGovern	Van Hollen
Fattah	McIntyre	Velazquez
Ferguson	McNulty	Visclosky
Filner	Meehan	Walsh
Ford	Meek (FL)	Waters
Frank (MA)	Meeks (NY)	Watson
Frelinghuysen	Menendez	Watt
Frost	Michaud	Waxman
Gerlach	Millender	Weiner
Gilchrest	McDonald	Wexler
Gonzalez	Miller (NC)	Woolsey
Gordon	Miller, George	Wu
Greenwood	Moore	Wynn
Grijalva	Nadler	

#### NOES—228

Aderholt	Ballenger	Biggert
Akin	Barrett (SC)	Bilirakis
Alexander	Barton (TX)	Bishop (GA)
Baca	Beauprez	Bishop (UT)
Bachus	Bereuter	Blackburn
Baker	Berry	Blunt